

Eagar Town Code – Section 18.48.060-General Provisions – Signs J.

11. Political Signs.

- a. Main Street from Seventh Avenue South to Second Street is designated as a commercial tourism sign-free zone. No political signs are allowed to be placed in any right-of-way in this area.
- b. In all residential/commercial zones, prior to placing any political sign in any right-of-way, those placing the political sign shall receive written permission from the adjoining property owner to place a political sign in front of that property.
- c. The height of any political sign in any town right-of-way shall not be over thirty-six inches.
- d. In addition to the requirements listed above, political signs shall comply with A.R.S. Section 16-1019.

Political Signs – State Law

State law prohibits a city, town or county from removing, altering, defacing or covering any political sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
5. The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.

If the city, town or county deems that the placement of a political sign constitutes an emergency, the city, town or county may immediately relocate the sign. The city, town or county must notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation.

If a sign does not meet the criteria listed above and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the notification to the candidate or campaign committee, the city, town or county may remove the sign. The city, town or county shall contact the candidate or campaign committee and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign unless the employee intended to cause injury or was grossly negligent.

These provisions do not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial

tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

These rules apply only during the period commencing sixty days before a primary election and ending fifteen days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election. "Primary election" is deemed to be the actual date of the primary and does not begin when early ballots are mailed for the primary election.¹⁷⁹ State highways or routes, or overpasses over those state highways or routes, are not included in the areas where signs are allowed.

Local sign regulations may also apply. Placement of political signs on private property must follow local sign regulations, if any.

Important Note: On June 18, 2015, the U.S. Supreme Court found that Town of Gilbert's sign code was unconstitutional because the code regulates speech based on the subject matter. The Town had distinguished different categories of signs based on their content (i.e. Temporary Directional, Political, Ideological, etc.) **Due to the impact of the court's decision on sign codes around the nation, it is strongly encouraged that you discuss enforcement of the state's political sign statute with your attorney prior to election season.**