

**AGENDA**  
**ORO VALLEY TOWN COUNCIL**  
**SPECIAL SESSION/STUDY SESSION**  
**October 27, 2010**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

**SPECIALSESSION AT OR AFTER 5:00 PM**  
**CALL TO ORDER**  
**ROLL CALL**

The Mayor and Council may consider and/or take action on the items listed under the Special Session

**EXECUTIVE SESSION AT OR AFTER 5:00 PM**  
Pursuant to ARS 38-431.03(A)(3) Legal Advice regarding Annexation

**RESUME SPECIAL SESSION AT OR AFTER 5:00 PM**  
**CALL TO ORDER**  
**ROLL CALL**

1. **PUBLIC HEARING - ORDINANCE NO. (O)10 -13** AMENDING THE ORO VALLEY ZONING CODE REVISED CHAPTER 31, DEFINITIONS, SECTION 23.1, PERMITTED USES AND SECTION 25.1(V), USE REGULATIONS REGARDING MEDICAL MARIJUANA DISPENSARIES, ON SITE AND OFF SITE CULTIVATION LOCATIONS AND MEDICAL MARIJUANA CAREGIVER AND QUALIFYING PATIENT CULTIVATION LOCATIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER; AND, ADOPTION OF **RESOLUTION NO. (R)10 -78** AUTHORIZING AND APPROVING PIMA COUNTY ORDINANCE NO. 2010-58 RELATING TO THE REGISTRATION OF MEDICAL MARIJUANA DISPENSARIES, CARDHOLDERS, DESIGNATED CAREGIVERS, DISPENSARY AGENTS, QUALIFYING PATIENTS AND VISITING QUALIFYING PATIENTS
2. APPOINTMENT OF RESIDENT MARK NAPIER TO SERVE ON THE PLANNING AND ZONING COMMISSION WITH TERM EFFECTIVE THROUGH DECEMBER 31, 2011
3. **FUTURE AGENDA ITEMS** (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H)

**ADJOURN SPECIAL SESSION**

The Mayor and Council will review and study the items listed under the Study Session. No action will be taken by the Mayor and Council during the Study Session.

**STUDY SESSION AT OR AFTER 5:00 PM**  
**CALL TO ORDER**  
**ROLL CALL**

1. Discussion Regarding Joint Marketing Efforts with the Town of Marana
2. Discussion Regarding Sign Code Task Force Recommendations Related to Permanent Signs (Continued from October 13, 2010 Study Session)
3. Discussion Regarding Current Code, Sign Code Task Force Recommendations and Staff Recommendations Related to Real Estate Signs

ADJOURN STUDY SESSION

POSTED: 10/22/10

3:00 p.m.

tg

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the office of the Town Clerk between the hours of 8:00 a.m. – 5:00 p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

## TC Special Session &amp; Study Session

Date: 10/27/2010

Requested by: David Williams, Planning Division Manager  
 Submitted By: David Ronquillo, Development Infrastructure Services  
 Department: Development Infrastructure Services

## Information

**SUBJECT:**

**PUBLIC HEARING - ORDINANCE NO. (O)10 -13** AMENDING THE ORO VALLEY ZONING CODE REVISED CHAPTER 31, DEFINITIONS, SECTION 23.1, PERMITTED USES AND SECTION 25.1(V), USE REGULATIONS REGARDING MEDICAL MARIJUANA DISPENSARIES, ON SITE AND OFF SITE CULTIVATION LOCATIONS AND MEDICAL MARIJUANA CAREGIVER AND QUALIFYING PATIENT CULTIVATION LOCATIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER; AND, ADOPTION OF **RESOLUTION NO. (R)10 -78** AUTHORIZING AND APPROVING PIMA COUNTY ORDINANCE NO. 2010-58 RELATING TO THE REGISTRATION OF MEDICAL MARIJUANA DISPENSARIES, CARDHOLDERS, DESIGNATED CAREGIVERS, DISPENSARY AGENTS, QUALIFYING PATIENTS AND VISITING QUALIFYING PATIENTS

**SUMMARY:**

Proposition 203, also known as the Arizona Medical Marijuana Act, would allow a "qualifying patient" who has a "debilitating medical condition" to obtain an "allowable amount of marijuana" from a "nonprofit medical marijuana dispensary" and to possess and use the marijuana to treat or alleviate the debilitating medical condition or symptoms associated with the condition. The Arizona Department of Health Services (DHS) would be required to adopt and enforce a regulatory system for the distribution of marijuana for medical use, including a system for approving, renewing and revoking the registration of qualifying patients, designated caregivers, nonprofit dispensaries and dispensary agents. The costs of the regulatory system would be paid from application and renewal fees collected, civil penalties imposed and private donations received pursuant to this proposition.

A "qualifying patient" is defined as a person who has been diagnosed by a physician (a doctor of medicine, osteopathy, naturopathic medicine or homeopathy) as having one of the following debilitating medical conditions:

1. Cancer.
2. Glaucoma.
3. Positive status for human immunodeficiency virus.
4. Acquired immune deficiency syndrome.
5. Hepatitis C.
6. Amyotrophic lateral sclerosis.
7. Crohn's disease.
8. Agitation of Alzheimer's disease.
9. A chronic or debilitating disease or medical condition that produces any of the following:
  - a. Cachexia or wasting syndrome.
  - b. Severe and chronic pain.
  - c. Severe nausea.
  - d. Seizures (including those characteristic of epilepsy).
  - e. Severe and persistent muscle spasms (including those characteristic of multiple sclerosis).
10. Any other medical condition added by DHS through a public petition process.

In order to register with DHS, a qualifying patient must submit a signed written certification issued by the physician that states the physician's professional opinion that the patient is likely to receive therapeutic

physician that states the physician's professional opinion that the patient is likely to receive therapeutic or symptom-relieving benefits from the medical use of marijuana to treat or alleviate a debilitating medical condition. The certification must specify the debilitating medical condition and must be made in the course of a physician-patient relationship after the physician has completed a full assessment of the patient's medical history. If the qualifying patient is under 18 years of age, the patient's custodial parent or legal guardian must submit written certifications from two physicians and the custodial parent or legal guardian must consent in writing to control the patient's medical use of the marijuana.

A qualifying patient who is registered with DHS (or a registered designated caregiver on behalf of the qualifying patient) may obtain up to 2.5 ounces of marijuana in a 14-day period from a registered nonprofit medical marijuana dispensary. If the qualifying patient's home is located more than 25 miles from the nearest nonprofit medical marijuana dispensary, the patient or designated caregiver may cultivate up to 12 marijuana plants in an enclosed, locked facility.

A registered nonprofit medical marijuana dispensary must be operated on a not-for-profit basis, but may receive payment for all expenses incurred in its operation. DHS may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacy permits issued by the Arizona State Board of Pharmacy under current law. The dispensary may cultivate marijuana only in an enclosed, locked facility and may acquire marijuana from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the marijuana. This proposition specifies various security, record-keeping and verification requirements relating to the operation of dispensaries.

Proposition 203 would generally provide that any person who acts in conformity with the requirements of the proposition is not subject to any governmentally imposed sanction relating to the medical use of marijuana. This proposition would prohibit certain discriminatory practices, including the following:

1. A school or landlord may not refuse to enroll or lease to a person registered pursuant to this proposition unless failing to do so would cause the school or landlord to lose a monetary or licensing benefit under federal law.
2. An employer may not discriminate against a person registered pursuant to this proposition in hiring, terminating or imposing employment conditions unless failing to do so would cause the employer to lose a monetary or licensing benefit under federal law. Further, an employer may not penalize a qualifying patient registered pursuant to this proposition for a positive drug test for marijuana, unless the patient used, possessed or was impaired by marijuana on the employment premises or during hours of employment.

By its terms, Proposition 203 would not :

1. Authorize a person to undertake any task under the influence of marijuana that constitutes negligence or professional malpractice.
2. Authorize possessing or using medical marijuana on a school bus, on the grounds of a preschool, primary school or high school or in a correctional facility.
3. Authorize smoking marijuana on public transportation or in a public place.
4. Authorize operating, navigating or being in actual physical control of a motor vehicle, aircraft or motorboat while under the influence of marijuana. A registered qualifying patient would not be considered to be under the influence of marijuana solely because of the presence of marijuana in the person's system that appears in a concentration insufficient to cause impairment.
5. Require a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana.
6. Require an owner of private property to allow the use of marijuana on that property.
7. Require an employer to allow the ingestion of marijuana in the workplace.
8. Prevent a nursing care or other residential or inpatient healthcare facility from adopting reasonable restrictions on the provision, storage and use of marijuana by residents or patients.

The full text of the ballot initiative is attached.

## **DISCUSSION:**

In the event that voters approve Proposition 203, the Arizona Medical Marijuana Act, the Town should be prepared to regulate facilities related to the cultivation and dispensation of medical marijuana.

ORDINANCE NO. (O) 10 - 13, would amend the Oro Valley Zoning Code Revised to regulate the use and location of marijuana dispensaries and cultivation locations. The OVZCR does not currently regulate this type of use and facilities. Recently, the City of Tucson, Pima County and Marana have considered similar code amendments. The Planning Division has worked closely with the Legal Department and obtained assistance from other local jurisdictions to draft this amendment. *This amendment does not create new restrictions on the use of property and is not intended to reduce any existing rights to use, divide, sell or possess private real property.*

RESOLUTION NO. (R) 10 - 78, would authorize and approve Pima County Ordinance No. 2010-58, allowing Pima County to enforce provisions for registering dispensaries, cardholders, caregivers, and patients within Town boundaries.

The ordinance would implement the following changes:

1. Amending Zoning Code Chapter 31 to include new definitions.
2. Amending Zoning Code Section 23.1 to include new permitted uses subject to additional standards.
3. Adding new Zoning Code Section 25.1.V to include development standards relating to medical marijuana dispensaries and cultivation locations.

The specifics of each of these items are addressed in detail in the attached Exhibit A.

### **Staff Analysis**

The proposed zoning code amendment would allow medical marijuana dispensaries and on site/ off site cultivation locations only in the C-1 and C-2 Commercial Districts. The C-1 and C-2 Commercial Districts were selected because the nature of the use is similar to other retail uses. The proposed development standards address potential secondary effects of marijuana dispensaries and their associated uses, especially relating to potential nuisances. Considerations taken into account were: 1) locating dispensaries near urbanized streets for easier monitoring by law enforcement, and, 2) Proximity to schools, libraries, churches, public parks and child care facilities (minimum distance is 1,000 feet). The development standards also address the size of the dispensaries and cultivation locations and require minimum distances between dispensaries (2,000 feet). The specifics of the ordinance are addressed in Exhibit A.

### **Planned Area Developments (PADs)**

The zoning code amendment does include commercial properties within specific Planned Area Developments (PAD) as listed below. Typically, commercial land uses within a PAD are not subject to Town Zoning Code standards unless specifically stated. In PADs where land use provisions of the Town's Zoning Code do not apply, the PAD would need to be amended separately to include criteria or standards for medical marijuana.

Of the thirteen adopted PAD's, the zoning code amendment would apply to four since they include language that references back to the Zoning Code for permitted uses and/or other standards. This zoning code amendment would apply to the commercial (C-1, C-2, or equivalent) portions of the following PADs:

Rancho Vistoso  
Rooney Ranch  
El Conquistador (Canada Hills area)  
Steam Pump Ranch

### Map

The attached map includes all commercial properties, including the above listed PADs that are subject to this ordinance, and depicts the required buffer areas around identified sensitive uses such as schools and day care centers. The shaded green areas indicate locations where medical marijuana-related dispensaries and cultivation locations could not be located, even if within C-1 or C-2 zones.

### Planning and Zoning Commission Recommendation

At their regular meeting of October 5, 2010, the Planning & Zoning Commission (PZC) recommended (4 - 0) to approve the zoning code amendment (see attached PZC draft minutes for specifics). The issue of regulation within commercial areas of Planned Area Developments was raised with the acknowledgment that additional research and information would be provided to Council.

### Public Notice and Comment

This amendment has been noticed in accordance with Town procedures, which includes the following:

- Homeowners Association mailing
- Notice in The Daily Territorial
- Post at Town Hall and on website

### **FISCAL IMPACT:**

N/A

### **CONCLUSION/RECOMMENDATION:**

Staff recommends approval of the zoning code amendment as specified in the attached ordinance.

### **SUGGESTED MOTION:**

The Town Council may wish to consider one of the following motions:

I move to [adopt, adopt with conditions or deny] Ordinance No. (O) 10 - 13, Definitions and Regulations related to Medical Marijuana in the form of an amendment to the zoning code as specified in the attached ordinance, and adoption of Resolution No. (R) 10 - 78, Authorizing Pima County to enforce County Ordinance 2010-58 relating to registration of medical marijuana dispensaries, cardholders, caregivers, dispensary agents and qualifying patients.

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### **Attachments**

Link: [O10-13 Medical Marijuana](#)

Link: [O10-13 Exhibit A](#)

Link: [Resolution R10-78 Exhibit B](#)

Link: [Map](#)

Link: [PZ Draft Minutes](#)

Link: [Proposition 203](#)

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**ORDINANCE NO. (O) 10-13**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 31, DEFINITIONS, SECTION 23.1, PERMITTED USES AND SECTION 25.1(V), USE REGULATIONS REGARDING MEDICAL MARIJUANA DISPENSARIES, ON SITE AND OFF SITE CULTIVATION LOCATIONS AND MEDICAL MARIJUANA CAREGIVER AND QUALIFYING PATIENT CULTIVATION LOCATIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

**WHEREAS**, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

**WHEREAS**, on March 13, 1981, the Mayor and Council approved Ordinance (O) 81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised” (OVZCR); and

**WHEREAS**, the Arizona Medical Marijuana Initiative, also known as Proposition 203, will appear on the November 2, 2010 ballot in the State of Arizona; and

**WHEREAS**, if approved by the voters of Arizona, Proposition 203 will allow qualifying patients and caregivers to purchase marijuana from regulated marijuana dispensaries and protect those patients from arrest and prosecution for using the drug for medicinal purposes; and

**WHEREAS**, the proposed amendments to the OVZCR, Chapter 31, Definitions, Section 23.1, Permitted Uses and Section 25.1(V), Use Regulations, are intended to regulate the use and location of marijuana dispensaries and cultivation locations within the Town; and

**WHEREAS**, the Planning and Zoning Commission reviewed the proposed amendments to the OVZCR, Chapter 31, Definitions, Section 23.1, Permitted Uses and Section 25.1(V), Use Regulations regarding the use and location of marijuana dispensaries and cultivation locations within the Town at a duly noticed public hearing on October 5, 2010 in accordance with State Statutes and recommended approval to the Town Council; and

**WHEREAS**, at a duly noticed Town Council Meeting on October 27, 2010, the Oro Valley Town Council has considered the proposed amendments to the OVZCR, Chapter 31, Definitions, Section 23.1, Permitted Uses and Section 25.1(V), Use Regulations regarding the use and location of marijuana dispensaries and cultivation locations within the Town and the Planning and Zoning Commission's recommendation and finds it consistent with the Town's General Plan and other Town ordinances.

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that:**

**SECTION 1.** That certain document entitled Oro Valley Zoning Code Revised, is hereby amended to add the amendments to Chapter 31, Definitions, Section 23.1, Permitted Uses and Section 25.1(V), Use Regulations regarding the use and location of marijuana dispensaries and cultivation locations within the Town, attached hereto as Exhibit "A".

**SECTION 2.** All Oro Valley 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.

**SECTION 3.** 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, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 27<sup>th</sup> day of October, 2010.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kathryn E. Cuvelier, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “A”

**Zoning Code Chapter 31 – Definitions**

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**Medical Marijuana Dispensary:**

Means a not-for-profit entity, defined in A.R.S. § 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.

**Medical Marijuana Dispensary Offsite Cultivation Location:**

Means the additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in A.R.S. § 36-2804(B)(1)(b)(ii).

**Medical Marijuana Qualifying Patient Cultivation Location:**

Means an enclosed facility, that does not exceed 50 square feet of cultivation space for each location, where a qualifying patient, as defined by A.R.S. § 36-2801(13), cultivates marijuana if the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate marijuana.

**Medical Marijuana Designated Caregiver Cultivation Location**

Means an enclosed facility, that does not exceed 250 square feet of cultivation space, where a designated caregiver, as defined by A.R.S. § 36-2801(5), cultivates marijuana if the designated caregiver's registry identification card provides that the designated caregiver is authorized to cultivate marijuana.

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TABLE 23-1: PERMITTED USES																					
USE CATEGORY	SPECIFIC USE TYPE	Single-Family									Multi-Family				Commercial		Other			ADDL REGS	
		R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	S D H 6	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P		P O S
Retail Sales	Medical Marijuana Dispensary															P	P				25.1V
Agriculture	Medical Marijuana Dispensary Offsite Cultivation Location															P	P				25.1V
	Medical Marijuana Designated Caregiver Cultivation Location															P	P				25.1V
	Medical Marijuana Designated Qualifying Patient Cultivation Location															P	P				25.1V

**Zoning Code Section 23.1 – Permitted Uses**

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## Zoning Code Section 25.1.V – Use Regulations

1. **Medical Marijuana Dispensary:** a permitted use subject to the standards below.
  - A. Supplemental Application. In addition to the standard required permit application, an applicant applying for a medical marijuana dispensary must complete a supplemental application that includes all of the following information:
    - i. If the application is by an agent for the owner the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary.
    - ii. The legal name of the medical marijuana dispensary.
    - iii. The name and address of each principal officer and board member of the nonprofit medical marijuana dispensary.
    - iv. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B)(1)(c).
    - v. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary will meet the definition of enclosed locked facility contained in A.R.S. §36-2801(6).
  - B. Development Standards
    - i. A medical marijuana dispensary must be located in a permanent building and may not be located in a trailer, modular building, cargo container or motor vehicle.
    - ii. A medical marijuana dispensary shall be setback a minimum of 2,000 feet from all other medical marijuana dispensaries measured from the parcel boundaries;
    - iii. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled, measured from the parcel boundaries.
    - iv. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a childcare center, measured from the parcel boundaries.
    - v. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a library or public park.
    - vi. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a church.
    - vii. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

- viii. A medical marijuana dispensary may not have a drive-through service.
- ix. The maximum floor area of a medical marijuana dispensary is 2,000 square feet.
- x. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 400 square feet.
- xi. The permitted hours of operation of a medical marijuana dispensary are between the hours of 9:00a.m. and 5:00p.m.

C. Permit Conditions. The Town may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The Town must include the following permit conditions for issuance of the medical marijuana dispensary permit:

- i. An expiration date that requires re-application or renewal of the permit after a specified period of time.
- ii. A requirement that the medical marijuana dispensary meets security requirements adopted by the Arizona Department of Health Services.
- iii. A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.
- iv. A requirement that the medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
- v. A requirement that the medical marijuana dispensary comply with applicable sections of Title 10 (Offenses) of the Oro Valley Town Code.

**2. Medical Marijuana Dispensary Offsite Cultivation Location:** a permitted use subject to the standards below.

A. Supplemental Application. In addition to the standard required application, an applicant applying for a medical marijuana dispensary offsite cultivation location shall complete a supplemental application that includes all of the following information.

- i. If the application is by an agent for the owner the authorization must include an explicit acknowledgment from the owner that the owner knows that the proposed use of the property is as a medical marijuana dispensary offsite cultivation location.
- ii. The legal name and address of the affiliated medical marijuana dispensary.
- iii. The name and address of each principal officer and board member of the medical marijuana dispensary affiliated with the offsite cultivation location and the name and address of each medical marijuana dispensary agent.
- iv. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B)(1)(c).
- v. A floor plan showing the location, dimensions of and type of security measures demonstrating that the medical marijuana dispensary offsite

cultivation location will meet the definition of enclosed locked facility contained in A.R.S. §36-2801(6).

**B. Development Standards.**

- i. Medical marijuana dispensary offsite cultivation location must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- ii. A medical marijuana dispensary offsite cultivation location shall be setback a minimum of 2,000 feet from all other medical marijuana dispensary offsite cultivation locations measured from the parcel boundaries;
- iii. A medical marijuana dispensary offsite cultivation location shall be setback a minimum of 1,000 feet from a public, private, parochial, charter, dramatic, dancing, music, or other similar school or educational or activity facility where children may be enrolled;
- iv. A medical marijuana dispensary offsite cultivation location shall be setback a minimum of 1,000 feet from a childcare center.
- v. The maximum floor area of a medical marijuana dispensary offsite cultivation location is 2,000 square feet.
- vi. The secure storage area for the medical marijuana stored at the medical marijuana dispensary offsite cultivation location shall not exceed 1,000 square feet.
- vii. A medical marijuana dispensary offsite cultivation location must be contained indoors.

**C. Permit Conditions.** The Town may include any conditions it finds necessary to conserve and promote the public health, safety, convenience and general welfare. The Town must include the following conditions for issuance of the permit for a medical marijuana dispensary offsite cultivation location:

- i. An expiration date for the permit that requires re-application or renewal of the permit after a specified period of time.
- ii. A requirement that the medical marijuana dispensary offsite cultivation location meets security requirements adopted by the Arizona Department of Health Services.
- iii. A requirement that the storage facilities for the medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment.
- iv. A requirement that the medical marijuana dispensary offsite cultivation location is prohibited from permitting anyone to consume marijuana on the premises.
- v. A requirement that the medical marijuana dispensary offsite cultivation location comply with applicable sections of Title 10 (Offenses) of the Oro Valley Code.

**3. Medical Marijuana Designated Caregiver Cultivation Location:** a permitted use subject to the standards below:

A. Development Standards

- i. All conditions and restrictions for Medical Marijuana Dispensary Offsite Cultivation locations except that the Designated Caregiver Cultivation Location cultivation area is limited to 250 square feet.
- ii. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet.
- iii. The designated caregiver location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.

**4. Medical Marijuana Qualifying Patient Cultivation Location:** a permitted use subject to the standards below.

A. Development Standards

- i. The qualifying patient cultivation location must be located in the C-1 or C-2 Commercial District as a permitted use or as an ancillary use to the qualifying patient's primary residence.
- ii. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place.
- iii. The qualifying patient cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.

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**RESOLUTION NO. (R) 10-78**

**A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA  
AUTHORIZING AND APPROVING PIMA COUNTY ORDINANCE  
NO. 2010-58 RELATING TO THE REGISTRATION OF MEDICAL  
MARIJUANA DISPENSARIES, CARDHOLDERS, DESIGNATED  
CAREGIVERS, DISPENSARY AGENTS, QUALIFYING  
PATIENTS AND VISITING QUALIFYING PATIENTS**

**WHEREAS**, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

**WHEREAS**, the Arizona Medical Marijuana Initiative, also known as Proposition 203, will appear on the November 2, 2010 ballot in the State of Arizona; and

**WHEREAS**, if approved by the voters of Arizona, Proposition 203 will allow qualifying patients and caregivers to purchase marijuana from regulated marijuana dispensaries and protect those patients from arrest and prosecution for using the drug for medicinal purposes; and

**WHEREAS**, Pima County adopted Ordinance No. 2010-58 to protect the public health, to the extent practicable, through the discouragement and prevention of the abuse of marijuana and to control the legitimate and illegitimate traffic in medical marijuana; and

**WHEREAS**, pursuant to A.R.S. § 11-251.05(D), “If [a Pima County] ordinance is intended to apply to any incorporated area of the county, prior to the ordinance becoming effective within the boundaries of a city or town, the city or town council shall consider the ordinance and, if the council finds that the subject matter of the ordinance is not either a matter of local concern or governed by an existing city or town ordinance, the council shall approve by resolution the application or enforcement of such ordinance within the boundaries of the city or town”; and

**WHEREAS**, it is in the best interest of the Town to approve Pima County Ordinance No. 2010-58 in order for Pima County to enforce Ordinance No. 2010-58 within Town boundaries.

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona that:**

**SECTION 1.** The Town of Oro Valley hereby authorizes and approves Pima County Ordinance No. 2010-58 relating to the registration of medical marijuana dispensaries, cardholders, designated caregivers, dispensary agents,

qualifying patients and visiting qualifying patients in order for Pima County to enforce Ordinance No. 2010-58 within Town boundaries.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 27<sup>th</sup> day of October, 2010.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tobin Rosen, Town Attorney

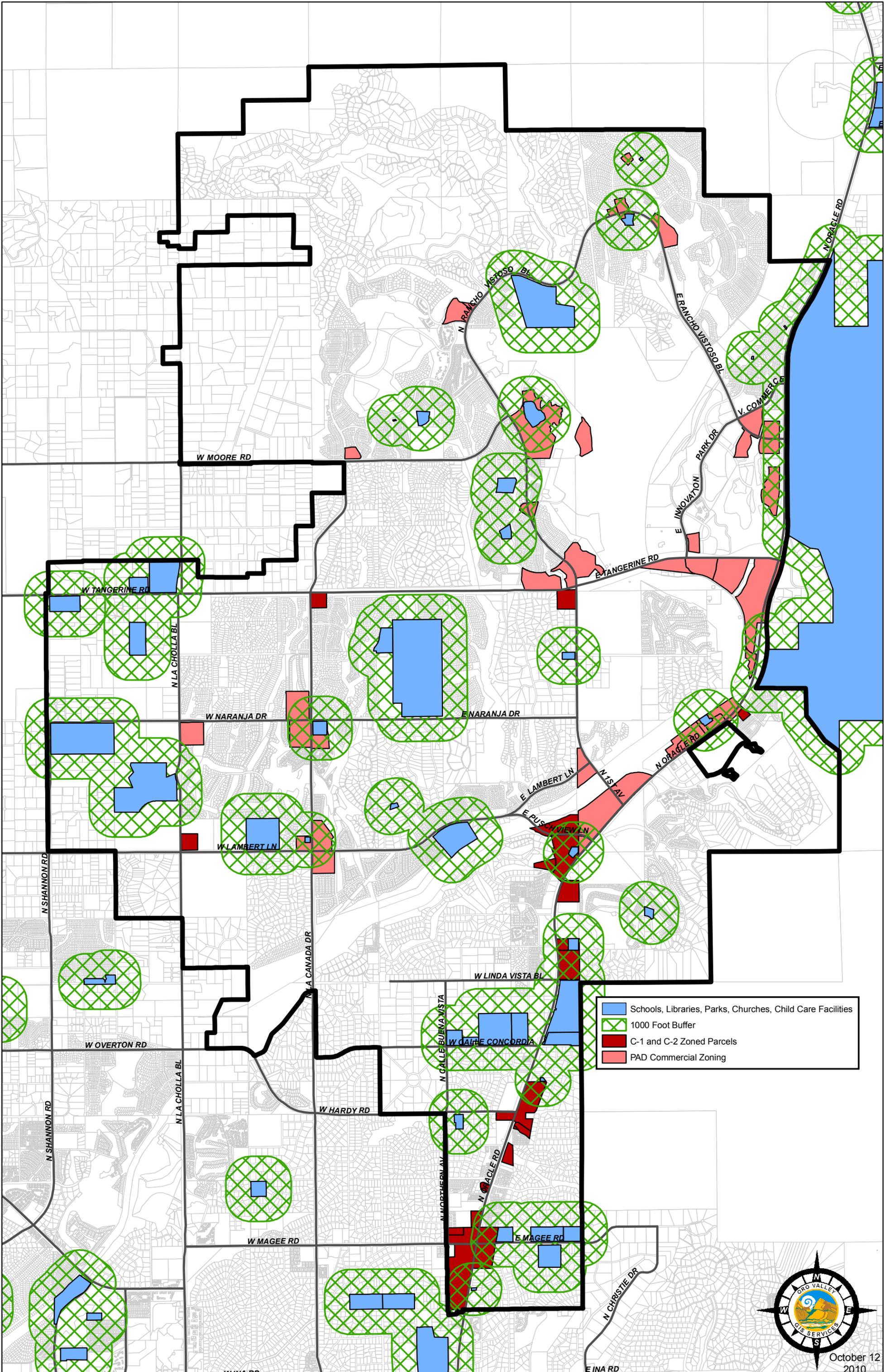
**ATTEST:**

\_\_\_\_\_  
Kathryn E. Cuvelier, Town Clerk

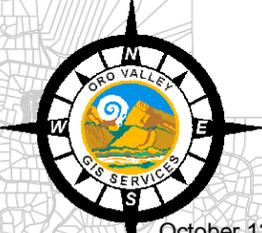
Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “B”



	Schools, Libraries, Parks, Churches, Child Care Facilities
	1000 Foot Buffer
	C-1 and C-2 Zoned Parcels
	PAD Commercial Zoning



**MINUTES**  
**ORO VALLEY PLANNING AND ZONING COMMISSION**  
**REGULAR SESSION**  
**October 5, 2010**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

2. [Initiation of an amendment to the Oro Valley Zoning Code for Medical Marijuana Dispensary and Cultivation Regulations.](#) The Planning Division requests approval of an amendment to add regulations related to location and development standards for medical marijuana dispensaries and cultivation locations. Case number: OV710-004 For questions and additional information, please contact David Williams, Planning Division Manager, at (520) 229-4807 or [dwilliams@orovalleyaz.gov](mailto:dwilliams@orovalleyaz.gov).

**MOTION:** A motion was made by Commissioner Swope and seconded by Commissioner La Master to initiate OV710-004, an amendment to the Oro Valley Zoning Code for Medical Marijuana Dispensary and Cultivation Regulations. The Planning Division requests approval of an amendment to add regulations related to location and development standards for medical marijuana dispensaries and cultivation locations.

**MOTION** carried, 4-0.

3. [Public Hearing: Medical Marijuana Dispensary and Cultivation Regulations.](#) The Planning Division requests approval of an amendment to Oro Valley Zoning Code Revised to add regulations related to location and development standards for medical marijuana dispensaries and cultivation. Case number: OV710-004 For questions and additional information, please contact David Williams, Planning Division Manager, at (520) 229-4807 or [dwilliams@orovalleyaz.gov](mailto:dwilliams@orovalleyaz.gov)

David Williams, Planning Manager, presented the following:

- Arizona Medical Initiative (Prop 203)
- Main Components
- Pertinent Development Standards Dispensaries/Offsite Cultivation
- GIS Analysis
- Project Timeline
- Conclusion
- Recommendation

Commissioner Swope asked about guidance of other communities on how we define sensitive land uses and now included in addition to schools, churches, parks, and libraries. Please explain sensitive uses.

Mr. Williams said these additional uses are typically placed where people gather, including young people and minors. The thinking coming out of Pima County is any place that kids gather we want to have some separation from those types of facilities. Pima County's ordinance went further to include bus stops and Oro Valley dropped that out because of the impracticality of enforcement and those actually move year to year as the districts reline or there population shifts. This is a little bit of a middle ground in terms of the County being a very extreme view of how they are approaching it and some of the lesser requirements that are actually in the proposition. We could absolutely go to 500 feet but we are comfortable with 1000 feet since we are leaving an adequate location but it is certainly not a magical number.

Chairman Reddin said to follow up on the 500 feet and 1000 feet, as long as we have our code in place prior to the adoption we are covered and OV becomes the rule, is that correct.

Mr. Andrews responded that is correct and we would basically be the rule in Oro Valley. There is a prescribed separation between any liquor store anywhere in the state and a church but there is nothing in the medical marijuana proposition that separates a church from a medical marijuana dispensary. There is also nothing in this proposition that states where you can and can not use the cannabis product you have purchased at the Medical Marijuana Dispensary. Chairman Reddin asked if we prohibit from anyone consuming marijuana on the premises.

Mr. Andrews said that was correct and state law addresses that and that is not a problem, we don't want to start a marijuana cafe.

Chairman Reddin asked if they could buy it here and go around the corner and light up.

Mr. Andrews said it is one of those problem issues that the state law has not covered. These are some of the consequences that are out there that I don't know if we can answer under land use regulation.

Mr. Williams added one additional comment to the map, it was mentioned that the commercial zones that were in planned area developments were not included. The reason why is because we are bound by proposition 207 limitations and we can't go into so others planned area development document and zoning code and make changes without their consent. Mr. Andrews said what it comes down to is, in planned area development that are adopted by the town there is almost uniformly a qualification that all zoning must be initiated by the owners. Consequently it becomes problematic for the Town to initiate a rezoning in a PAD, that would be an issue if we went through and tried to force an amendment what would that cause in the PAD. If one of these dispensaries has already purchased land up there under some name hoping this passes and we have do something about it then, it can create claims and issues because they did not initiate the zoning.

Commissioner La Master asked if in the future the owners in a PAD can come before the Planning Commission and ask for a rezoning.

Mr. Andrews responded with yes and that is how it is supposed to happen.

Chairman Reddin asked if they come in after this law is adopted are they are stuck with any of limitations based in that law.

Mr. Andrews said what we have is, if in fact proposition 203 passes then we have that issue. Right now it is illegal to have any of these things in place, so adding new regulations ahead of time is not going to make a diminution of value. Once this goes into place there could be diminution of value issues because now it becomes an allowed use under state law.

Chairman Reddin asked if that would be a PAD issue.

Mr. Andrews said if someone owns a piece of property in a PAD and they want to amend their code and want to come in and talk to us about that we can deal with it.

Mr. Williams said he would like to clarify, they can file an application for a piece of commercial property to change the commercial zone to allow marijuana dispensary. That would come through a normal rezoning process with the town, but would we be compelled to approve it or are we okay to deny it.

Mr. Andrews said that he doesn't believe we can deny as an approved use by the state law, it wouldn't be any different than a shoe store.

Chairman Redden asked if anyone coming in after the adoption of this new law, would they fall under the states law criteria.

Mr. Andrews said that was correct because we can not amend any PAD.

**MOTION:** A motion was made by Commissioner La Master and seconded by Commissioner Buette recommend the town council approve OV710-004 definitions and regulations related to Medical Marijuana in the form of an amendment to the towns zoning code as specified in Exhibit A.

Mr. Andrews said he would like to add one thing, most but not all of the PAD have a section that mentions that where the PAD is silent the Oro Valley Zoning Code shall prevail. So at least we have an argument that these would apply to those PAD that have that language.

Commission La Master commented on what he read from the Arizona Department of Health, this is one of those must do's that we have to initiate this action whether or not it passes. To his understanding if it passes and we have not taken any steps then it's a free for all.

Mr. Andrews said he would not use the term free for all, but what say it would be treated has any other commercial use. So if someone is selling widgets or selling marijuana we can't treat them any differently. What the proposition put forward is some enabling language, reasonable land use regulations. So if you don't have them in place they could be in neighborhood commercial on the corner of Moore and La Canada.

Chairman Reddin stated that he has looked into this a little bit and his concern was adopting a rule on something that is illegal. He has also heard from other attorneys that we can legally do this.

Mr. Andrews said what we are going to have when we put the ordinance together for mayor and council is that it will be contingent upon Proposition 203 passing, we are not adopting it and then waiting for state action based on the voter

outcome. What we are doing is saying it is here and when it comes to mayor and council on the 17th we will have returns. The good thing is it does not become official law until the governor canves the vote which is going to be a while. Commissioner Swope said he thinks this is important to be pre-empted, because if the vote is affirmative in November and we don't have land use restrictions in place then the town is vulnerable.

Mr. Andrews said that other jurisdictions in other states that didn't do anything in advance saw a number of them as soon as it was canvassed and official all over the place. He agrees that we should do something and this has been worked on very diligently by David Williams and his staff with some input by Tobin Rosen and himself.

**MOTION** carried, 4-0.

DRAFT

**PROPOSITION 203**

**OFFICIAL TITLE**

AN INITIATIVE MEASURE

**AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.1; AMENDING SECTION 43-1201, ARIZONA REVISED STATUTES; RELATING TO THE MEDICAL USE OF MARIJUANA; PROVIDING FOR CONDITIONAL REPEAL.**

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the people of the state of Arizona:

**Section 1.** Title.

This act may be cited as the "Arizona Medical Marijuana Act."

**Sec. 2.** Findings.

The People of the State of Arizona find and declare the following:

A. Marijuana's recorded use as a medicine goes back nearly 5,000 years, and modern medical research has confirmed beneficial uses for marijuana in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

B. Studies published since the 1999 Institute of Medicine report have continued to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. These include relief of neuropathic pain caused by multiple sclerosis, HIV/AIDS and other illnesses that often fail to respond to conventional treatments and relief of nausea, vomiting and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

C. Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 260,000 patients in the states with medical marijuana laws.

Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, American College of Physicians, American Nurses Association, American Public Health Association, Leukemia & Lymphoma Society and many others.

D. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marijuana arrests in the U.S. are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

E. Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island and Washington have removed state-level criminal penalties for the medical use and cultivation of marijuana. Arizona joins in this effort for the health and welfare of its citizens.

F. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of Arizona in violation of federal law.

G. State law should make a distinction between the medical and nonmedical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest and prosecution, criminal and other penalties and property forfeiture if such patients engage in the medical use of marijuana.

**Sec. 3.** Title 36, Arizona Revised Statutes, is amended by adding Chapter 28.1 to read:

CHAPTER 28.1

ARIZONA MEDICAL MARIJUANA ACT

**36-2801. Definitions**

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ALLOWABLE AMOUNT OF MARIJUANA"

(a) WITH RESPECT TO A QUALIFYING PATIENT, THE "ALLOWABLE AMOUNT OF MARIJUANA" MEANS:

(i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND

(ii) IF THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD STATES THAT THE QUALIFYING PATIENT IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE PLANTS ARE BEING TRANSPORTED BECAUSE THE QUALIFYING PATIENT IS MOVING.

(b) WITH RESPECT TO A DESIGNATED CAREGIVER, THE "ALLOWABLE AMOUNT OF MARIJUANA" FOR EACH PATIENT ASSISTED BY THE DESIGNATED CAREGIVER UNDER THIS CHAPTER MEANS:

(i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND

(ii) IF THE DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD PROVIDES THAT THE DESIGNATED CAREGIVER IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE PLANTS ARE BEING TRANSPORTED BECAUSE THE DESIGNATED CAREGIVER IS MOVING.

(c) MARIJUANA THAT IS INCIDENTAL TO MEDICAL USE, BUT IS NOT USABLE MARIJUANA AS DEFINED IN THIS CHAPTER, SHALL NOT BE COUNTED TOWARD A QUALIFYING PATIENT'S OR DESIGNATED CAREGIVER'S ALLOWABLE AMOUNT OF MARIJUANA.

2. "CARDHOLDER" MEANS A QUALIFYING PATIENT, A DESIGNATED CAREGIVER OR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO HAS BEEN ISSUED AND POSSESSES A VALID REGISTRY IDENTIFICATION CARD.

3. "DEBILITATING MEDICAL CONDITION" MEANS ONE OR MORE OF THE FOLLOWING:

(a) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME, HEPATITIS C, AMYOTROPHIC LATERAL SCLEROSIS, CROHN'S DISEASE, AGITATION OF ALZHEIMER'S DISEASE OR THE TREATMENT OF THESE CONDITIONS.

(b) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR ITS TREATMENT THAT PRODUCES ONE OR MORE OF THE FOLLOWING: CACHEXIA OR WASTING SYNDROME; SEVERE AND CHRONIC PAIN; SEVERE NAUSEA; SEIZURES, INCLUDING THOSE CHARACTERISTIC OF EPILEPSY; OR SEVERE AND PERSISTENT MUSCLE SPASMS, INCLUDING THOSE CHARACTERISTIC OF MULTIPLE SCLEROSIS.

(c) ANY OTHER MEDICAL CONDITION OR ITS TREATMENT ADDED BY THE DEPARTMENT PURSUANT TO SECTION 36-2801.01.

4. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.

5. "DESIGNATED CAREGIVER" MEANS A PERSON WHO:

(a) IS AT LEAST TWENTY-ONE YEARS OF AGE.

(b) HAS AGREED TO ASSIST WITH A PATIENT'S MEDICAL USE OF MARIJUANA.

(c) HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

(d) ASSISTS NO MORE THAN FIVE QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA.

(e) MAY RECEIVE REIMBURSEMENT FOR ACTUAL COSTS INCURRED IN ASSISTING A REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA IF THE REGISTERED DESIGNATED CAREGIVER IS CONNECTED TO THE REGISTERED QUALIFYING PATIENT THROUGH THE DEPARTMENT'S REGISTRATION PROCESS. THE DESIGNATED CAREGIVER MAY NOT BE PAID ANY FEE OR COMPENSATION FOR HIS SERVICE AS A CAREGIVER. PAYMENT FOR COSTS UNDER THIS SUBDIVISION SHALL NOT CONSTITUTE AN OFFENSE UNDER TITLE 13, CHAPTER 34 OR UNDER TITLE 36, CHAPTER 27, ARTICLE 4.

6. "ENCLOSED, LOCKED FACILITY" MEANS A CLOSET, ROOM, GREENHOUSE OR OTHER ENCLOSED AREA EQUIPPED WITH LOCKS OR OTHER SECURITY DEVICES THAT PERMIT ACCESS ONLY BY A CARDHOLDER.

7. "EXCLUDED FELONY OFFENSE" MEANS:

(a) A VIOLENT CRIME AS DEFINED IN SECTION 13-901.03, SUBSECTION B, THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED.

(b) A VIOLATION OF A STATE OR FEDERAL CONTROLLED SUBSTANCE LAW THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED BUT DOES NOT INCLUDE:

(i) AN OFFENSE FOR WHICH THE SENTENCE, INCLUDING ANY TERM OF PROBATION, INCARCERATION OR SUPERVISED RELEASE, WAS COMPLETED TEN OR MORE YEARS EARLIER.

(ii) AN OFFENSE INVOLVING CONDUCT THAT WOULD BE IMMUNE FROM ARREST, PROSECUTION OR PENALTY UNDER SECTION 36-2811 EXCEPT THAT THE CONDUCT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER OR WAS PROSECUTED BY AN AUTHORITY OTHER THAN THE STATE OF ARIZONA.

8. "MARIJUANA" MEANS ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEEDS OF SUCH PLANT.

9. "MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE, ADMINISTRATION, DELIVERY, TRANSFER OR TRANSPORTATION OF MARIJUANA OR PARAPHERNALIA RELATING TO THE ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A REGISTERED QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.

10. "NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT" MEANS A PRINCIPAL OFFICER, BOARD MEMBER, EMPLOYEE OR VOLUNTEER OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

11. "NONPROFIT MEDICAL MARIJUANA DISPENSARY" MEANS A NOT-FOR-PROFIT ENTITY THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS OR DISPENSES MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY RECEIVE PAYMENT FOR ALL EXPENSES INCURRED IN ITS OPERATION.

12. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE MEDICINE PURSUANT TO TITLE 32, CHAPTER 13 OR ITS SUCCESSOR, A DOCTOR OF OSTEOPATHIC MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE OSTEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 17 OR ITS SUCCESSOR, A NATUROPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE NATUROPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 14 OR ITS SUCCESSOR OR A HOMEOPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE HOMEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 29 OR ITS SUCCESSOR.

13. "QUALIFYING PATIENT" MEANS A PERSON WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION.

14. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT THAT IDENTIFIES A PERSON AS A REGISTERED QUALIFYING PATIENT, REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

15. "USABLE MARIJUANA" MEANS THE DRIED FLOWERS OF THE MARIJUANA PLANT, AND ANY MIXTURE OR PREPARATION THEREOF, BUT DOES NOT INCLUDE THE SEEDS, STALKS AND ROOTS OF THE PLANT AND DOES NOT INCLUDE THE WEIGHT OF ANY NON-MARIJUANA INGREDIENTS COMBINED WITH MARIJUANA AND PREPARED FOR CONSUMPTION AS FOOD OR DRINK.

16. "VERIFICATION SYSTEM" MEANS A SECURE, PASSWORD-PROTECTED, WEB-BASED SYSTEM ESTABLISHED AND MAINTAINED BY THE DEPARTMENT THAT IS AVAILABLE TO LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ON A TWENTY-FOUR HOUR BASIS FOR VERIFICATION OF REGISTRY IDENTIFICATION CARDS.

17. "VISITING QUALIFYING PATIENT" MEANS A PERSON:

(a) WHO IS NOT A RESIDENT OF ARIZONA OR WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS.

(b) WHO HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION BY A PERSON WHO IS LICENSED WITH AUTHORITY TO PRESCRIBE DRUGS TO HUMANS IN THE STATE OF THE PERSON'S RESIDENCE OR, IN THE CASE OF A PERSON WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS, THE STATE OF THE PERSON'S FORMER RESIDENCE.

18. "WRITTEN CERTIFICATION" MEANS A DOCUMENT DATED AND SIGNED BY A PHYSICIAN, STATING THAT IN THE PHYSICIAN'S PROFESSIONAL OPINION THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION. THE PHYSICIAN MUST:

(a) SPECIFY THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION IN THE WRITTEN CERTIFICATION.

(b) SIGN AND DATE THE WRITTEN CERTIFICATION ONLY IN THE COURSE OF A PHYSICIAN-PATIENT RELATIONSHIP AFTER THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY.

**36-2801.01. Addition of debilitating medical conditions.**

THE PUBLIC MAY PETITION THE DEPARTMENT TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH -3-. THE DEPARTMENT SHALL CONSIDER PETITIONS IN THE MANNER REQUIRED BY DEPARTMENT RULE, INCLUDING PUBLIC NOTICE AND HEARING. THE DEPARTMENT SHALL APPROVE OR DENY A PETITION WITHIN ONE-HUNDRED-EIGHTY DAYS OF ITS SUBMISSION. THE APPROVAL OR DENIAL OF A PETITION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE VESTED IN THE SUPERIOR COURT.

**36-2802. Arizona Medical Marijuana Act; limitations**

THIS CHAPTER DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR ENGAGING IN, THE FOLLOWING CONDUCT:

A. UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MARIJUANA THAT WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.

B. POSSESSING OR ENGAGING IN THE MEDICAL USE OF MARIJUANA:

1. ON A SCHOOL BUS.

2. ON THE GROUNDS OF ANY PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL.
3. IN ANY CORRECTIONAL FACILITY.
- C. SMOKING MARIJUANA:
  1. ON ANY FORM OF PUBLIC TRANSPORTATION.
  2. IN ANY PUBLIC PLACE.
- D. OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT OR MOTORBOAT WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.
- E. USING MARIJUANA EXCEPT AS AUTHORIZED UNDER THIS CHAPTER.

**36-2803. Rulemaking**

- A. NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ADOPT RULES:
  1. GOVERNING THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER PETITIONS FROM THE PUBLIC TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH 3, INCLUDING PUBLIC NOTICE OF, AND AN OPPORTUNITY TO COMMENT IN A PUBLIC HEARING UPON, PETITIONS.
  2. ESTABLISHING THE FORM AND CONTENT OF REGISTRATION AND RENEWAL APPLICATIONS SUBMITTED UNDER THIS CHAPTER.
  3. GOVERNING THE MANNER IN WHICH IT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRY IDENTIFICATION CARDS.
  4. GOVERNING NONPROFIT MEDICAL MARIJUANA DISPENSARIES, FOR THE PURPOSE OF PROTECTING AGAINST DIVERSION AND THEFT WITHOUT IMPOSING AN UNDUE BURDEN ON NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR COMPROMISING THE CONFIDENTIALITY OF CARDHOLDERS, INCLUDING:
    - (a) THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRATION CERTIFICATES.
    - (b) MINIMUM OVERSIGHT REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
    - (c) MINIMUM RECORDKEEPING REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
    - (d) MINIMUM SECURITY REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES, INCLUDING REQUIREMENTS FOR PROTECTION OF EACH REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY LOCATION BY A FULLY OPERATIONAL SECURITY ALARM SYSTEM.
    - (e) PROCEDURES FOR SUSPENDING OR REVOKING THE REGISTRATION CERTIFICATE OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES THAT VIOLATE THE PROVISIONS OF THIS CHAPTER OR THE RULES ADOPTED PURSUANT TO THIS SECTION.
  5. ESTABLISHING APPLICATION AND RENEWAL FEES FOR REGISTRY IDENTIFICATION CARDS AND NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES, ACCORDING TO THE FOLLOWING:
    - (a) THE TOTAL AMOUNT OF ALL FEES SHALL GENERATE REVENUES SUFFICIENT TO IMPLEMENT AND ADMINISTER THIS CHAPTER EXCEPT THAT FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.
    - (b) NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION FEES MAY NOT EXCEED \$5,000.
    - (c) NONPROFIT MEDICAL MARIJUANA DISPENSARY RENEWAL FEES MAY NOT EXCEED \$1,000.
    - (d) THE TOTAL AMOUNT OF REVENUE FROM NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION AND RENEWAL FEES AND REGISTRY IDENTIFICATION CARD FEES FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL BE SUFFICIENT TO IMPLEMENT AND ADMINISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY PROVISIONS OF THIS CHAPTER, INCLUDING THE VERIFICATION SYSTEM, EXCEPT THAT THE FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.
    - (e) THE DEPARTMENT MAY ESTABLISH A SLIDING SCALE OF PATIENT APPLICATION AND RENEWAL FEES BASED UPON A QUALIFYING PATIENT'S HOUSEHOLD INCOME.
    - (f) THE DEPARTMENT MAY CONSIDER PRIVATE DONATIONS UNDER SECTION 36-2817 TO REDUCE APPLICATION AND RENEWAL FEES.
- B. THE DEPARTMENT IS AUTHORIZED TO ADOPT THE RULES SET FORTH IN SUBSECTION A AND SHALL ADOPT THOSE RULES PURSUANT TO TITLE 41, CHAPTER 6.

**36-2804. Registration and certification of nonprofit medical marijuana dispensaries**

- A. NONPROFIT MEDICAL MARIJUANA DISPENSARIES SHALL REGISTER WITH THE DEPARTMENT.
- B. NOT LATER THAN NINETY DAYS AFTER RECEIVING AN APPLICATION FOR A NONPROFIT

MEDICAL MARIJUANA DISPENSARY, THE DEPARTMENT SHALL REGISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND ISSUE A REGISTRATION CERTIFICATE AND A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER IF:

1. THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY HAS SUBMITTED THE FOLLOWING:

(a) THE APPLICATION FEE.

(b) AN APPLICATION, INCLUDING:

(i) THE LEGAL NAME OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.

(ii) THE PHYSICAL ADDRESS OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND THE PHYSICAL ADDRESS OF ONE ADDITIONAL LOCATION, IF ANY, WHERE MARIJUANA WILL BE CULTIVATED, NEITHER OF WHICH MAY BE WITHIN FIVE HUNDRED FEET OF A PUBLIC OR PRIVATE SCHOOL EXISTING BEFORE THE DATE OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION.

(iii) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND BOARD MEMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.

(iv) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

(c) OPERATING PROCEDURES CONSISTENT WITH DEPARTMENT RULES FOR OVERSIGHT OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY, INCLUDING PROCEDURES TO ENSURE ACCURATE RECORD-KEEPING AND ADEQUATE SECURITY MEASURES.

(d) IF THE CITY, TOWN OR COUNTY IN WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY WOULD BE LOCATED HAS ENACTED ZONING RESTRICTIONS, A SWORN STATEMENT CERTIFYING THAT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS IN COMPLIANCE WITH THE RESTRICTIONS.

2. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

3. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS SERVED AS A PRINCIPAL OFFICER OR BOARD MEMBER FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT HAS HAD ITS REGISTRATION CERTIFICATE REVOKED.

4. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS IS UNDER TWENTY-ONE YEARS OF AGE.

C. THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE FOR EVERY TEN PHARMACIES THAT HAVE REGISTERED UNDER SECTION 32-1929, HAVE OBTAINED A PHARMACY PERMIT FROM THE ARIZONA BOARD OF PHARMACY AND OPERATE WITHIN THE STATE EXCEPT THAT THE DEPARTMENT MAY ISSUE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES IN EXCESS OF THIS LIMIT IF NECESSARY TO ENSURE THAT THE DEPARTMENT ISSUES AT LEAST ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE IN EACH COUNTY IN WHICH AN APPLICATION HAS BEEN APPROVED.

D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.

**36-2804.01. Registration of nonprofit medical marijuana dispensary agents; notices; civil penalty; classification**

A. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE REGISTERED WITH THE DEPARTMENT BEFORE VOLUNTEERING OR WORKING AT A MEDICAL MARIJUANA DISPENSARY.

B. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT BY SUBMITTING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

2. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICATION.

3. A STATEMENT SIGNED BY THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.

4. THE APPLICATION FEE.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS AFTER A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT CEASES TO BE EMPLOYED BY OR VOLUNTEER AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

D. NO PERSON WHO HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE MAY BE A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

E. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.

**36-2804.02. Registration of qualifying patients and designated caregivers**

A. A QUALIFYING PATIENT MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD BY SUBMITTING:

1. WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.
2. THE APPLICATION FEE.
3. AN APPLICATION, INCLUDING:
  - (a) NAME, MAILING ADDRESS, RESIDENCE ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT EXCEPT THAT IF THE APPLICANT IS HOMELESS NO ADDRESS IS REQUIRED.
  - (b) NAME, ADDRESS AND TELEPHONE NUMBER OF THE QUALIFYING PATIENT'S PHYSICIAN.
  - (c) NAME, ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY.
  - (d) A STATEMENT SIGNED BY THE QUALIFYING PATIENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.
  - (e) A SIGNED STATEMENT FROM THE DESIGNATED CAREGIVER, IF ANY, AGREEING TO BE THE PATIENT'S DESIGNATED CAREGIVER AND PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.
  - (f) A DESIGNATION AS TO WHO WILL BE ALLOWED TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE IF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT OPERATING WITHIN TWENTY-FIVE MILES OF THE QUALIFYING PATIENT'S HOME.

B. THE APPLICATION FOR A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD SHALL ASK WHETHER THE PATIENT WOULD LIKE THE DEPARTMENT TO NOTIFY HIM OF ANY CLINICAL STUDIES NEEDING HUMAN SUBJECTS FOR RESEARCH ON THE MEDICAL USE OF MARIJUANA. THE DEPARTMENT SHALL NOTIFY INTERESTED PATIENTS IF IT IS NOTIFIED OF STUDIES THAT WILL BE CONDUCTED IN THE UNITED STATES.

**36-2804.03. Issuance of registry identification cards**

A. EXCEPT AS PROVIDED IN SUBSECTION B AND IN SECTION 36-2804.05, THE DEPARTMENT SHALL:

1. VERIFY THE INFORMATION CONTAINED IN AN APPLICATION OR RENEWAL SUBMITTED PURSUANT TO THIS CHAPTER AND APPROVE OR DENY AN APPLICATION OR RENEWAL WITHIN TEN DAYS OF RECEIVING A COMPLETED APPLICATION OR RENEWAL.
2. ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT AND HIS DESIGNATED CAREGIVER, IF ANY, WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL. A DESIGNATED CAREGIVER MUST HAVE A REGISTRY IDENTIFICATION CARD FOR EACH OF HIS QUALIFYING PATIENTS.
3. ISSUE EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT A REGISTRY IDENTIFICATION CARD AND LOG-IN INFORMATION FOR THE VERIFICATION SYSTEM WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL.

B. THE DEPARTMENT MAY NOT ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT WHO IS UNDER THE AGE OF EIGHTEEN UNLESS:

1. THE QUALIFYING PATIENT'S PHYSICIAN HAS EXPLAINED THE POTENTIAL RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA TO THE CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT.
2. A CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT SUBMITS A WRITTEN CERTIFICATION FROM TWO PHYSICIANS.
3. THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT CONSENTS IN WRITING TO:
  - (a) ALLOW THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.
  - (b) SERVE AS THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.
  - (c) CONTROL THE ACQUISITION OF THE MARIJUANA, THE DOSAGE AND THE FREQUENCY OF THE MEDICAL USE OF MARIJUANA BY THE QUALIFYING PATIENT.

C. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH OR INSULAR POSSESSION OF THE UNITED STATES THAT ALLOWS A VISITING QUALIFYING PATIENT TO POSSESS OR USE MARIJUANA FOR MEDICAL PURPOSES IN THE JURISDICTION OF ISSUANCE HAS THE SAME FORCE AND EFFECT WHEN HELD BY A VISITING QUALIFYING PATIENT AS A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT, EXCEPT THAT A VISITING QUALIFYING

PATIENT IS NOT AUTHORIZED TO OBTAIN MARIJUANA FROM A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

**36-2804.04. Registry identification cards**

A. REGISTRY IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS SHALL CONTAIN ALL OF THE FOLLOWING:

1. NAME, ADDRESS AND DATE OF BIRTH OF THE CARDHOLDER.
2. A STATEMENT OF WHETHER THE CARDHOLDER IS A QUALIFYING PATIENT OR A DESIGNATED CAREGIVER.
3. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.
4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER, CONTAINING AT LEAST FOUR NUMBERS AND AT LEAST FOUR LETTERS, THAT IS UNIQUE TO THE CARDHOLDER.
5. IF THE CARDHOLDER IS A DESIGNATED CAREGIVER, THE RANDOM IDENTIFICATION NUMBER OF THE REGISTERED QUALIFYING PATIENT THE DESIGNATED CAREGIVER IS ASSISTING.
6. A PHOTOGRAPH OF THE CARDHOLDER.
7. A CLEAR INDICATION OF WHETHER THE CARDHOLDER HAS BEEN AUTHORIZED BY THIS CHAPTER TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE.

B. REGISTRY IDENTIFICATION CARDS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL CONTAIN THE FOLLOWING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
  2. A STATEMENT THAT THE CARDHOLDER IS A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
  3. THE LEGAL NAME OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS AFFILIATED.
  4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER THAT IS UNIQUE TO THE CARDHOLDER.
  5. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.
  6. A PHOTOGRAPH, IF THE DEPARTMENT DECIDES TO REQUIRE ONE.
- C. IF THE REGISTRY IDENTIFICATION CARD OF EITHER A QUALIFYING PATIENT OR THE PATIENT'S DESIGNATED CAREGIVER DOES NOT STATE THAT THE CARDHOLDER IS AUTHORIZED TO CULTIVATE MARIJUANA PLANTS, THEN THE DEPARTMENT MUST GIVE WRITTEN NOTICE TO THE REGISTERED QUALIFYING PATIENT, WHEN THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD IS ISSUED, OF THE NAME AND ADDRESS OF ALL REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

**36-2804.05. Denial of registry identification card**

A. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD ONLY IF THE APPLICANT:

1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 13.
2. DOES NOT PROVIDE THE INFORMATION REQUIRED.
3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.
4. PROVIDES FALSE INFORMATION.

B. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD IF THE APPLICANT:

1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 5.
2. DOES NOT PROVIDE THE INFORMATION REQUIRED.
3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.
4. PROVIDES FALSE INFORMATION.

C. THE DEPARTMENT MAY DENY A REGISTRY IDENTIFICATION CARD TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IF:

1. THE AGENT APPLICANT DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801(10).
2. THE APPLICANT OR DISPENSARY DID NOT PROVIDE THE REQUIRED INFORMATION.
3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.
4. THE APPLICANT OR DISPENSARY PROVIDES FALSE INFORMATION.

D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK OF EACH DESIGNATED

CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICANT TO CARRY OUT THIS SECTION.

E. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO

A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

F. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE QUALIFYING PATIENT OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.

G. DENIAL OF AN APPLICATION OR RENEWAL IS CONSIDERED A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE FOR JUDICIAL REVIEW ARE VESTED IN THE SUPERIOR COURT.

**36-2804.06. Expiration and renewal of registry identification cards and registration certificates; replacement**

A. ALL REGISTRY IDENTIFICATION CARDS AND REGISTRATION CERTIFICATES EXPIRE ONE YEAR AFTER DATE OF ISSUE.

B. A REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE CANCELLED AND HIS ACCESS TO THE VERIFICATION SYSTEM SHALL BE DEACTIVATED UPON NOTIFICATION TO THE DEPARTMENT BY A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NO LONGER EMPLOYED BY OR NO LONGER VOLUNTEERS AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. A RENEWAL NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE SHALL BE ISSUED WITHIN TEN DAYS OF RECEIPT OF THE PRESCRIBED RENEWAL APPLICATION AND RENEWAL FEE FROM A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IF ITS REGISTRATION CERTIFICATE IS NOT UNDER SUSPENSION AND HAS NOT BEEN REVOKED.

D. IF A CARDHOLDER LOSES HIS REGISTRY IDENTIFICATION CARD, HE SHALL PROMPTLY NOTIFY THE DEPARTMENT. WITHIN FIVE DAYS OF THE NOTIFICATION, AND UPON PAYMENT OF A TEN DOLLAR FEE, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD WITH A NEW RANDOM IDENTIFICATION NUMBER TO THE CARDHOLDER AND, IF THE CARDHOLDER IS A REGISTERED QUALIFYING PATIENT, TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER, IF ANY.

**36-2805. Facility restrictions**

A. ANY NURSING CARE INSTITUTION, HOSPICE, ASSISTED LIVING CENTER, ASSISTED LIVING FACILITY, ASSISTED LIVING HOME, RESIDENTIAL CARE INSTITUTION, ADULT DAY HEALTH CARE FACILITY OR ADULT FOSTER CARE HOME LICENSED UNDER TITLE 36, CHAPTER 4, MAY ADOPT REASONABLE RESTRICTIONS ON THE USE OF MARIJUANA BY THEIR RESIDENTS OR PERSONS RECEIVING INPATIENT SERVICES, INCLUDING:

1. THAT THE FACILITY WILL NOT STORE OR MAINTAIN THE PATIENT'S SUPPLY OF MARIJUANA.
2. THAT THE FACILITY, CAREGIVERS OR HOSPICE AGENCIES SERVING THE FACILITY'S RESIDENTS ARE NOT RESPONSIBLE FOR PROVIDING THE MARIJUANA FOR QUALIFYING PATIENTS.
3. THAT MARIJUANA BE CONSUMED BY A METHOD OTHER THAN SMOKING.
4. THAT MARIJUANA BE CONSUMED ONLY IN A PLACE SPECIFIED BY THE FACILITY.

B. NOTHING IN THIS SECTION REQUIRES A FACILITY LISTED IN SUBSECTION A TO ADOPT RESTRICTIONS ON THE MEDICAL USE OF MARIJUANA.

C. A FACILITY LISTED IN SUBSECTION A MAY NOT UNREASONABLY LIMIT A REGISTERED QUALIFYING PATIENT'S ACCESS TO OR USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER UNLESS FAILING TO DO SO WOULD CAUSE FACILITY TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

**36-2806. Registered nonprofit medical marijuana dispensaries; requirements**

A. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL BE OPERATED ON A NOT-FOR-PROFIT BASIS. THE BYLAWS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL CONTAIN SUCH PROVISIONS RELATIVE TO THE DISPOSITION OF REVENUES AND RECEIPTS TO ESTABLISH AND MAINTAIN ITS NONPROFIT CHARACTER. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY NEED NOT BE RECOGNIZED AS TAX-EXEMPT BY THE INTERNAL REVENUE SERVICE AND IS NOT REQUIRED TO INCORPORATE PURSUANT TO TITLE 10, CHAPTER 19, ARTICLE 1.

B. THE OPERATING DOCUMENTS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL INCLUDE PROCEDURES FOR THE OVERSIGHT OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AND PROCEDURES TO ENSURE ACCURATE RECORDKEEPING.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL HAVE A SINGLE SECURE ENTRANCE AND SHALL IMPLEMENT APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE THEFT OF MARIJUANA AND UNAUTHORIZED ENTRANCE INTO AREAS CONTAINING MARIJUANA.

D. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS PROHIBITED FROM ACQUIRING, POSSESSING, CULTIVATING, MANUFACTURING, DELIVERING, TRANSFERRING, TRANSPORTING, SUPPLYING OR DISPENSING MARIJUANA FOR ANY PURPOSE EXCEPT TO ASSIST REGISTERED QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA DIRECTLY OR THROUGH THE REGISTERED QUALIFYING PATIENTS' DESIGNATED CAREGIVERS.

E. ALL CULTIVATION OF MARIJUANA MUST TAKE PLACE IN AN ENCLOSED, LOCKED FACILITY AT A PHYSICAL ADDRESS PROVIDED TO THE DEPARTMENT DURING THE REGISTRATION PROCESS, WHICH CAN ONLY BE ACCESSED BY REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ASSOCIATED IN THE REGISTRY WITH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.

F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY ACQUIRE USABLE MARIJUANA OR MARIJUANA PLANTS FROM A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER ONLY IF THE REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER RECEIVES NO COMPENSATION FOR THE MARIJUANA.

G. A NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOT PERMIT ANY PERSON TO CONSUME MARIJUANA ON THE PROPERTY OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

H. REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES ARE SUBJECT TO REASONABLE INSPECTION BY THE DEPARTMENT. THE DEPARTMENT SHALL GIVE REASONABLE NOTICE OF AN INSPECTION UNDER THIS SUBSECTION.

**36-2806.01. Dispensary locations**

CITIES, TOWNS AND COUNTIES MAY ENACT REASONABLE ZONING REGULATIONS THAT LIMIT THE USE OF LAND FOR REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES TO SPECIFIED AREAS IN THE MANNER PROVIDED IN TITLE 9, CHAPTER 4, ARTICLE 6.1, AND TITLE 11, CHAPTER 6, ARTICLE 2.

**36-2806.02. Dispensing marijuana for medical use**

A. BEFORE MARIJUANA MAY BE DISPENSED TO A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED QUALIFYING PATIENT, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ACCESS THE VERIFICATION SYSTEM AND DETERMINE FOR THE REGISTERED QUALIFYING PATIENT FOR WHOM THE MARIJUANA IS INTENDED AND ANY REGISTERED DESIGNATED CAREGIVER TRANSPORTING THE MARIJUANA TO THE PATIENT, THAT:

1. THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS VALID.
2. EACH PERSON PRESENTING A REGISTRY IDENTIFICATION CARD IS THE PERSON IDENTIFIED ON THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.
3. THE AMOUNT TO BE DISPENSED WOULD NOT CAUSE THE REGISTERED QUALIFYING PATIENT TO EXCEED THE LIMIT ON OBTAINING NO MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA DURING ANY FOURTEEN-DAY PERIOD.

B. AFTER MAKING THE DETERMINATIONS REQUIRED IN SUBSECTION A, BUT BEFORE DISPENSING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER ON A REGISTERED QUALIFYING PATIENT'S BEHALF, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ENTER THE FOLLOWING INFORMATION IN THE VERIFICATION SYSTEM:

1. HOW MUCH MARIJUANA IS BEING DISPENSED TO THE REGISTERED QUALIFYING PATIENT.
2. WHETHER IT WAS DISPENSED DIRECTLY TO THE REGISTERED QUALIFYING PATIENT OR TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.
3. THE DATE AND TIME THE MARIJUANA WAS DISPENSED.
4. THE REGISTRY IDENTIFICATION CARD NUMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO DISPENSED THE MARIJUANA.

**36-2807. Verification system**

A. WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ESTABLISH A SECURE, PASSWORD-PROTECTED, WEB-BASED VERIFICATION SYSTEM FOR USE ON A TWENTY-FOUR HOUR BASIS BY LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO VERIFY REGISTRY IDENTIFICATION CARDS.

B. THE VERIFICATION SYSTEM MUST ALLOW LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO ENTER A REGISTRY IDENTIFICATION NUMBER AND VERIFY WHETHER THE NUMBER CORRESPONDS WITH A CURRENT, VALID IDENTIFICATION CARD.

C. THE SYSTEM SHALL DISCLOSE:

1. THE NAME OF THE CARDHOLDER, BUT MUST NOT DISCLOSE THE CARDHOLDER'S ADDRESS.
2. THE AMOUNT OF MARIJUANA THAT EACH REGISTERED QUALIFYING PATIENT RECEIVED FROM NONPROFIT MEDICAL MARIJUANA DISPENSARIES DURING THE PAST SIXTY DAYS.
- D. THE VERIFICATION SYSTEM MUST INCLUDE THE FOLLOWING DATA SECURITY FEATURES:
  1. ANY TIME AN AUTHORIZED USER ENTERS FIVE INVALID REGISTRY IDENTIFICATION NUMBERS WITHIN FIVE MINUTES, THAT USER CANNOT LOG IN TO THE SYSTEM AGAIN FOR TEN MINUTES.
  2. A USERS LOG-IN INFORMATION SHALL BE DEACTIVATED AFTER 5 INCORRECT LOGIN ATTEMPTS UNTIL THE AUTHORIZED USER CONTACTS THE DEPARTMENT AND VERIFIES HIS IDENTITY.
  3. THE SERVER MUST REJECT ANY LOG-IN REQUEST THAT IS NOT OVER AN ENCRYPTED CONNECTION.

**36-2808. Notifications to department; civil penalty**

- A. A REGISTERED QUALIFYING PATIENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN THE REGISTERED QUALIFYING PATIENT'S NAME, ADDRESS, DESIGNATED CAREGIVER OR PREFERENCE REGARDING WHO MAY CULTIVATE MARIJUANA FOR THE REGISTERED QUALIFYING PATIENT OR IF THE REGISTERED QUALIFYING PATIENT CEASES TO HAVE HIS DEBILITATING MEDICAL CONDITION.
- B. A REGISTERED DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN HIS NAME OR ADDRESS.
- C. WHEN A CARDHOLDER NOTIFIES THE DEPARTMENT OF ANY CHANGES LISTED IN SUBSECTION A BUT REMAINS ELIGIBLE UNDER THIS CHAPTER, THE DEPARTMENT SHALL ISSUE THE CARDHOLDER A NEW REGISTRY IDENTIFICATION CARD WITH NEW RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBERS WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION AND A TEN-DOLLAR FEE. IF THE PERSON NOTIFYING THE DEPARTMENT IS A REGISTERED QUALIFYING PATIENT, THE DEPARTMENT SHALL ALSO ISSUE HIS REGISTERED DESIGNATED CAREGIVER, IF ANY, A NEW REGISTRY IDENTIFICATION CARD WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION.
- D. IF THE REGISTERED QUALIFYING PATIENT'S CERTIFYING PHYSICIAN NOTIFIES THE DEPARTMENT IN WRITING THAT EITHER THE REGISTERED QUALIFYING PATIENT HAS CEASED TO SUFFER FROM A DEBILITATING MEDICAL CONDITION OR THAT THE PHYSICIAN NO LONGER BELIEVES THE PATIENT WOULD RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA, THE CARD IS VOID UPON NOTIFICATION BY THE DEPARTMENT TO THE QUALIFYING PATIENT.
- E. WHEN A REGISTERED QUALIFYING PATIENT CEASES TO BE A REGISTERED QUALIFYING PATIENT OR CHANGES REGISTERED DESIGNATED CAREGIVER, THE DEPARTMENT SHALL PROMPTLY NOTIFY THE FORMER DESIGNATED CAREGIVER THAT HIS DUTIES AND RIGHTS UNDER THIS CHAPTER AS TO THAT QUALIFYING PATIENT EXPIRE FIFTEEN DAYS AFTER NOTIFICATION BY THE DEPARTMENT IS SENT.
- F. A REGISTERED QUALIFYING PATIENT, DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO FAILS TO COMPLY WITH SUBSECTION A OR B IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.

**36-2809. Annual report**

THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT THAT DOES NOT DISCLOSE ANY IDENTIFYING INFORMATION ABOUT CARDHOLDERS, NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR PHYSICIANS BUT CONTAINS AT LEAST ALL OF THE FOLLOWING INFORMATION:

1. THE NUMBER OF REGISTRY IDENTIFICATION CARD APPLICATIONS AND RENEWALS.
2. THE NUMBER OF QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS APPROVED IN EACH COUNTY.
3. THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF THE QUALIFYING PATIENTS.
4. THE NUMBER OF REGISTRY IDENTIFICATION CARDS REVOKED.
5. THE NUMBER OF PHYSICIANS PROVIDING WRITTEN CERTIFICATIONS FOR QUALIFYING PATIENTS.
6. THE NUMBER OF REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
7. THE NUMBER OF NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS IN EACH COUNTY.

**36-2810. Confidentiality**

A. THE FOLLOWING INFORMATION RECEIVED AND RECORDS KEPT BY THE DEPARTMENT FOR PURPOSES OF ADMINISTERING THIS CHAPTER ARE CONFIDENTIAL, EXEMPT FROM TITLE 39,

CHAPTER 1, ARTICLE 2, EXEMPT FROM SECTION 36-105 AND NOT SUBJECT TO DISCLOSURE TO ANY INDIVIDUAL OR PUBLIC OR PRIVATE ENTITY, EXCEPT AS NECESSARY FOR AUTHORIZED EMPLOYEES OF THE DEPARTMENT TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT PURSUANT TO THIS CHAPTER.

1. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING INFORMATION SUBMITTED BY QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS, INCLUDING INFORMATION REGARDING THEIR DESIGNATED CAREGIVERS AND PHYSICIANS.
  2. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING INFORMATION SUBMITTED BY OR ON BEHALF OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN COMPLIANCE WITH THIS CHAPTER, INCLUDING THE PHYSICAL ADDRESSES OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES.
  3. THE INDIVIDUAL NAMES AND OTHER INFORMATION IDENTIFYING PERSONS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS.
- B. ANY DISPENSING INFORMATION REQUIRED TO BE KEPT UNDER SECTION 36-2806.02, SUBSECTION B, OR DEPARTMENT REGULATION SHALL IDENTIFY CARDHOLDERS BY THEIR REGISTRY IDENTIFICATION NUMBERS AND NOT CONTAIN NAMES OR OTHER PERSONALLY IDENTIFYING INFORMATION.
- C. ANY DEPARTMENT HARD DRIVES OR OTHER DATA RECORDING MEDIA THAT ARE NO LONGER IN USE AND THAT CONTAIN CARDHOLDER INFORMATION MUST BE DESTROYED. THE DEPARTMENT SHALL RETAIN A SIGNED STATEMENT FROM A DEPARTMENT EMPLOYEE CONFIRMING THE DESTRUCTION.
- D. DATA SUBJECT TO THIS SECTION SHALL NOT BE COMBINED OR LINKED IN ANY MANNER WITH ANY OTHER LIST OR DATABASE AND IT SHALL NOT BE USED FOR ANY PURPOSE NOT PROVIDED FOR IN THIS CHAPTER.
- E. NOTHING IN THIS SECTION PRECLUDES THE FOLLOWING NOTIFICATIONS:
1. DEPARTMENT EMPLOYEES MAY NOTIFY LAW ENFORCEMENT ABOUT FALSIFIED OR FRAUDULENT INFORMATION SUBMITTED TO THE DEPARTMENT IF THE EMPLOYEE WHO SUSPECTS THAT FALSIFIED OR FRAUDULENT INFORMATION HAS BEEN SUBMITTED HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.
  2. THE DEPARTMENT MAY NOTIFY STATE OR LOCAL LAW ENFORCEMENT ABOUT APPARENT CRIMINAL VIOLATIONS OF THIS CHAPTER IF THE EMPLOYEE WHO SUSPECTS THE OFFENSE HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.
  3. NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS MAY NOTIFY THE DEPARTMENT OF A SUSPECTED VIOLATION OR ATTEMPTED VIOLATION OF THIS CHAPTER OR DEPARTMENT RULES.
- F. NOTHING IN THIS SECTION PRECLUDES SUBMISSION OF THE SECTION 36-2809 REPORT TO THE LEGISLATURE. THE ANNUAL REPORT SUBMITTED TO THE LEGISLATURE IS SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2.

**36-2811. Presumption of medical use of marijuana; protections; civil penalty**

- A. THERE IS A PRESUMPTION THAT A QUALIFYING PATIENT OR DESIGNATED CAREGIVER IS ENGAGED IN THE MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER.
1. THE PRESUMPTION EXISTS IF THE QUALIFYING PATIENT OR DESIGNATED CAREGIVER:
    - (a) IS IN POSSESSION OF A REGISTRY IDENTIFICATION CARD.
    - (b) IS IN POSSESSION OF AN AMOUNT OF MARIJUANA THAT DOES NOT EXCEED THE ALLOWABLE AMOUNT OF MARIJUANA.
  2. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT CONDUCT RELATED TO MARIJUANA WAS NOT FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION PURSUANT TO THIS CHAPTER.
- B. A REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER IS NOT SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIAL OF ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU:
1. FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER, IF THE REGISTERED QUALIFYING PATIENT DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.
  2. FOR THE REGISTERED DESIGNATED CAREGIVER ASSISTING A REGISTERED QUALIFYING PATIENT TO WHOM HE IS CONNECTED THROUGH THE DEPARTMENT'S REGISTRATION PROCESS WITH THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER IF THE REGISTERED DESIGNATED CAREGIVER DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

3. FOR OFFERING OR PROVIDING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OR TO A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IF NOTHING OF VALUE IS TRANSFERRED IN RETURN AND THE PERSON GIVING THE MARIJUANA DOES NOT KNOWINGLY CAUSE THE RECIPIENT TO POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

C. A PHYSICIAN SHALL NOT BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY ACTION BY THE ARIZONA BOARD OF MEDICAL EXAMINERS OR BY ANY OTHER BUSINESS, OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, BASED SOLELY ON PROVIDING WRITTEN CERTIFICATIONS OR FOR OTHERWISE STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, A PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION, BUT NOTHING IN THIS CHAPTER PREVENTS A PROFESSIONAL LICENSING BOARD FROM SANCTIONING A PHYSICIAN FOR FAILING TO PROPERLY EVALUATE A PATIENT'S MEDICAL CONDITION OR OTHERWISE VIOLATING THE STANDARD OF CARE FOR EVALUATING MEDICAL CONDITIONS.

D. NO PERSON MAY BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, FOR:

1. PROVIDING A REGISTERED QUALIFYING PATIENT, A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH MARIJUANA PARAPHERNALIA FOR PURPOSES OF A QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.

2. BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER.

3. ASSISTING A REGISTERED QUALIFYING PATIENT WITH ADMINISTERING MARIJUANA AS AUTHORIZED BY THIS CHAPTER.

E. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT SUBJECT TO PROSECUTION; SEARCH OR INSPECTION, EXCEPT BY THE DEPARTMENT PURSUANT TO SECTION 36-2806, SUBSECTION H; SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR BUSINESS LICENSING BOARD OR ENTITY, FOR ACTING PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NOT SUBJECT TO ARREST, PROSECUTION, SEARCH, SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR ENTITY, FOR WORKING OR VOLUNTEERING FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

G. PROPERTY, INCLUDING ALL INTERESTS IN THE PROPERTY, OTHERWISE SUBJECT TO FORFEITURE UNDER TITLE 13, CHAPTER 39, THAT IS POSSESSED, OWNED OR USED IN CONNECTION WITH THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER OR ACTS INCIDENTAL TO THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER, IS NOT SUBJECT TO SEIZURE OR FORFEITURE. THIS SUBSECTION DOES NOT PREVENT CIVIL FORFEITURE IF THE BASIS FOR THE FORFEITURE IS UNRELATED TO THE MEDICAL USE OF MARIJUANA.

H. MERE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD MAY NOT CONSTITUTE PROBABLE CAUSE OR REASONABLE SUSPICION, NOR MAY IT BE USED TO SUPPORT THE SEARCH OF THE PERSON OR PROPERTY OF THE PERSON POSSESSING OR APPLYING FOR THE REGISTRY IDENTIFICATION CARD. THE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD DOES NOT PRECLUDE THE EXISTENCE OF PROBABLE CAUSE IF PROBABLE CAUSE EXISTS ON OTHER GROUNDS.

I. NO SCHOOL, LANDLORD OR EMPLOYER MAY BE PENALIZED OR DENIED ANY BENEFIT UNDER STATE LAW FOR ENROLLING, LEASING TO OR EMPLOYING A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER.

**36-2812. Affirmative defense**

A. EXCEPT AS PROVIDED IN SECTION 36-2802, A QUALIFYING PATIENT AND A QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA AS A DEFENSE TO ANY PROSECUTION OF AN OFFENSE INVOLVING MARIJUANA INTENDED FOR A QUALIFYING PATIENT'S MEDICAL USE, AND THIS DEFENSE SHALL BE PRESUMED VALID WHERE THE EVIDENCE SHOWS THAT:

1. A PHYSICIAN STATES THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP, THE QUALIFYING PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.
2. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE COLLECTIVELY IN POSSESSION OF A QUANTITY OF MARIJUANA THAT WAS NOT MORE THAN WAS REASONABLY NECESSARY TO ENSURE THE UNINTERRUPTED AVAILABILITY OF MARIJUANA FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.
3. ALL MARIJUANA PLANTS WERE CONTAINED IN AN ENCLOSED LOCKED FACILITY.
4. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE ENGAGED IN THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE OR TRANSPORTATION OF MARIJUANA, PARAPHERNALIA OR BOTH, RELATING TO THE ADMINISTRATION OF MARIJUANA SOLELY TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

B. A PERSON MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA IN A MOTION TO DISMISS, AND THE CHARGES SHALL BE DISMISSED FOLLOWING AN EVIDENTIARY HEARING WHERE THE PERSON SHOWS THE ELEMENTS LISTED IN SUBSECTION (A).

C. IF A QUALIFYING PATIENT OR A QUALIFYING PATIENT'S DESIGNATED CAREGIVER DEMONSTRATE THE QUALIFYING PATIENT'S MEDICAL PURPOSE FOR USING MARIJUANA PURSUANT TO THIS SECTION, THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER SHALL NOT BE SUBJECT TO THE FOLLOWING FOR THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA:

1. DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU.
2. FORFEITURE OF ANY INTEREST IN OR RIGHT TO NON-MARIJUANA, LICIT PROPERTY.

**36-2813. Discrimination prohibited**

A. NO SCHOOL OR LANDLORD MAY REFUSE TO ENROLL OR LEASE TO AND MAY NOT OTHERWISE PENALIZE A PERSON SOLELY FOR HIS STATUS AS A CARDHOLDER, UNLESS FAILING TO DO SO WOULD CAUSE THE SCHOOL OR LANDLORD TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

B. UNLESS A FAILURE TO DO SO WOULD CAUSE AN EMPLOYER TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS, AN EMPLOYER MAY NOT DISCRIMINATE AGAINST A PERSON IN HIRING, TERMINATION OR IMPOSING ANY TERM OR CONDITION OF EMPLOYMENT OR OTHERWISE PENALIZE A PERSON BASED UPON EITHER:

1. THE PERSON'S STATUS AS A CARDHOLDER.
  2. A REGISTERED QUALIFYING PATIENT'S POSITIVE DRUG TEST FOR MARIJUANA COMPONENTS OR METABOLITES, UNLESS THE PATIENT USED, POSSESSED OR WAS IMPAIRED BY MARIJUANA ON THE PREMISES OF THE PLACE OF EMPLOYMENT OR DURING THE HOURS OF EMPLOYMENT.
- C. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A REGISTERED QUALIFYING PATIENT'S AUTHORIZED USE OF MARIJUANA MUST BE CONSIDERED THE EQUIVALENT OF THE USE OF ANY OTHER MEDICATION UNDER THE DIRECTION OF A PHYSICIAN AND DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A REGISTERED QUALIFYING PATIENT FROM MEDICAL CARE.

D. NO PERSON MAY BE DENIED CUSTODY OF OR VISITATION OR PARENTING TIME WITH A MINOR, AND THERE IS NO PRESUMPTION OF NEGLECT OR CHILD ENDANGERMENT FOR CONDUCT ALLOWED UNDER THIS CHAPTER, UNLESS THE PERSON'S BEHAVIOR CREATES AN

UNREASONABLE DANGER TO THE SAFETY OF THE MINOR AS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.

**36-2814. Acts not required; acts not prohibited**

A. NOTHING IN THIS CHAPTER REQUIRES:

1. A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.
2. ANY PERSON OR ESTABLISHMENT IN LAWFUL POSSESSION OF PROPERTY TO ALLOW A GUEST, CLIENT, CUSTOMER OR OTHER VISITOR TO USE MARIJUANA ON OR IN THAT PROPERTY.
3. AN EMPLOYER TO ALLOW THE INGESTION OF MARIJUANA IN ANY WORKPLACE OR ANY EMPLOYEE TO WORK WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.

B. NOTHING IN THIS CHAPTER PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MARIJUANA IN THE WORKPLACE OR WORKING WHILE UNDER THE INFLUENCE OF MARIJUANA.

**36-2815. Revocation**

A. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO VIOLATES SECTION 36-2804.01, SUBSECTION D, OR SECTION 36-2816, SUBSECTION B. THE DEPARTMENT SHALL SUSPEND OR REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT FOR OTHER VIOLATIONS OF THIS CHAPTER.

B. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRATION CERTIFICATE OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT VIOLATES SECTION 2816, SUBSECTIONS B OR C, AND ITS BOARD MEMBERS AND PRINCIPAL OFFICERS MAY NOT SERVE AS THE BOARD MEMBERS OR PRINCIPAL OFFICERS FOR ANY OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. ANY CARDHOLDER WHO SELLS MARIJUANA TO A PERSON WHO IS NOT ALLOWED TO POSSESS MARIJUANA FOR MEDICAL PURPOSES UNDER THIS CHAPTER SHALL HAVE HIS REGISTRY IDENTIFICATION CARD REVOKED, AND SHALL BE SUBJECT TO OTHER PENALTIES FOR THE UNAUTHORIZED SALE OF MARIJUANA AND OTHER APPLICABLE OFFENSES.

D. THE DEPARTMENT MAY REVOKE THE REGISTRY IDENTIFICATION CARD OF ANY CARDHOLDER WHO KNOWINGLY VIOLATES THIS CHAPTER, AND THE CARDHOLDER SHALL BE SUBJECT TO OTHER PENALTIES FOR THE APPLICABLE OFFENSE.

E. REVOCATION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE VESTED IN THE SUPERIOR COURT.

**36-2816. Violations: civil penalty; classification**

A. A REGISTERED QUALIFYING PATIENT MAY NOT DIRECTLY, OR THROUGH HIS DESIGNATED CAREGIVER, OBTAIN MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA FROM REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN ANY FOURTEEN-DAY PERIOD.

B. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OR AGENT MAY NOT DISPENSE, DELIVER OR OTHERWISE TRANSFER MARIJUANA TO A PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY NOT ACQUIRE USABLE MARIJUANA OR MATURE MARIJUANA PLANTS FROM ANY PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER. A KNOWING VIOLATION OF THIS SUBSECTION IS A CLASS 2 FELONY.

D. IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON, INCLUDING AN EMPLOYEE OR OFFICIAL OF THE DEPARTMENT OR ANOTHER STATE AGENCY OR LOCAL GOVERNMENT, TO BREACH THE CONFIDENTIALITY OF INFORMATION OBTAINED PURSUANT TO THIS CHAPTER.

E. MAKING FALSE STATEMENTS TO A LAW ENFORCEMENT OFFICIAL ABOUT ANY FACT OR CIRCUMSTANCE RELATING TO THE MEDICAL USE OF MARIJUANA TO AVOID ARREST OR PROSECUTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS, WHICH SHALL BE IN ADDITION TO ANY OTHER PENALTIES THAT MAY APPLY FOR MAKING A FALSE STATEMENT OR FOR THE USE OF MARIJUANA OTHER THAN USE UNDERTAKEN PURSUANT TO THIS CHAPTER.

**36-2817. Medical marijuana fund; private donations**

A. THE MEDICAL MARIJUANA FUND IS ESTABLISHED CONSISTING OF FEES COLLECTED, CIVIL PENALTIES IMPOSED AND PRIVATE DONATIONS RECEIVED UNDER THIS CHAPTER. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

B. THE DIRECTOR OF THE DEPARTMENT MAY ACCEPT AND SPEND PRIVATE GRANTS, GIFTS, DONATIONS, CONTRIBUTIONS AND DEVISES TO ASSIST IN CARRYING OUT THE PROVISIONS OF THIS CHAPTER.

C. MONIES IN THE MEDICAL MARIJUANA FUND DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A FISCAL YEAR.

**36-2818. Enforcement of this act; mandamus**

A. IF THE DEPARTMENT FAILS TO ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, ANY CITIZEN MAY COMMENCE A MANDAMUS ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

B. IF THE DEPARTMENT FAILS TO ISSUE A REGISTRY IDENTIFICATION CARD WITHIN FORTY-FIVE DAYS OF THE SUBMISSION OF A VALID APPLICATION OR RENEWAL, THE REGISTRY IDENTIFICATION CARD SHALL BE DEEMED ISSUED, AND A COPY OF THE REGISTRY IDENTIFICATION CARD APPLICATION OR RENEWAL IS DEEMED A VALID REGISTRY IDENTIFICATION CARD.

C. IF AT ANY TIME AFTER THE ONE HUNDRED FORTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS CHAPTER THE DEPARTMENT IS NOT ACCEPTING APPLICATIONS OR HAS NOT PROMULGATED RULES ALLOWING QUALIFYING PATIENTS TO SUBMIT APPLICATIONS, A NOTARIZED STATEMENT BY A QUALIFYING PATIENT CONTAINING THE INFORMATION REQUIRED IN AN APPLICATION PURSUANT TO SECTION 36-2804.02, SUBSECTION A, PARAGRAPH 3, TOGETHER WITH A WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE NOTARIZED STATEMENT, SHALL BE DEEMED A VALID REGISTRY IDENTIFICATION CARD.

**36-2819. Fingerprinting requirements**

EACH PERSON APPLYING AS A DESIGNATED CAREGIVER, A PRINCIPAL OFFICER, AGENT OR EMPLOYEE OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MEDICAL MARIJUANA DISPENSARY AGENT SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION WITHOUT DISCLOSING THAT THE RECORDS CHECK IS RELATED TO THE MEDICAL MARIJUANA ACT AND ACTS PERMITTED BY IT. THE DEPARTMENT SHALL DESTROY EACH SET OF FINGERPRINTS AFTER THE CRIMINAL RECORDS CHECK IS COMPLETED.

**Sec. 4.** Section 43-1201, Arizona Revised Statutes, is amended to read:

**43-1201. Organizations exempt from tax**

A. Organizations that are exempt from federal income tax under section 501 of the internal revenue code are exempt from the tax imposed under this title. In addition, the following organizations are exempt from the taxes imposed under this title, except as otherwise provided in this chapter:

1. Labor, agricultural or horticultural organizations, other than cooperative organizations.
2. Fraternal beneficiary societies, orders or organizations both:
  - (a) Operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system.
  - (b) Providing for the payment of life, sick, accident or other benefits to the members of such society, order or organization or their dependents.
3. Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit or any corporation chartered for burial purposes and not permitted by its charter to engage in any business not necessarily related to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual member thereof.
4. Corporations organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.
5. Business leagues, chambers of commerce, real estate boards or boards of trade, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
6. Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social

welfare or local organizations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, the net earnings of which are devoted exclusively to charitable, educational or recreational purposes.

7. Clubs organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.

8. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom and turning over the entire amount of such income, less expenses, to an organization which itself is exempt from the tax imposed by this title.

9. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organizations or their dependents, if both of the following apply:

(a) No part of their net earnings inures, other than through such payments, to the benefit of any private shareholder or individual.

(b) Eighty-five per cent or more of the income consists of amounts collected from members and amounts contributed to the organization by the employer of the members for the sole purpose of making such payments and meeting expenses.

10. Teachers' or public employees' retirement fund organizations of a purely local character, if both of the following apply:

(a) No part of their net earnings inures to the benefit of any private shareholder or individual, other than through payment of retirement benefits.

(b) The income consists solely of amounts received from public taxation, amounts received from assessments upon the salaries of members and income in respect of investments. For the purposes of this paragraph, "public employees" means employees of the state and its political subdivisions.

11. Religious or apostolic organizations or corporations, if such organizations or corporations have a common treasury or community treasury, even if such corporations or organizations engage in business for the common benefit of the members, but only if the members thereof include, at the time of filing their returns, in their Arizona gross income their pro rata shares, whether distributed or not, of the net income of the organizations or corporations for such year. Any amount so included in the Arizona gross income of a member shall be treated as a dividend received.

12. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organization, their dependents or their designated beneficiaries, if both of the following apply:

(a) Admission to membership in such organization is limited to individuals who are officers or employees of the United States government.

(b) No part of the net earnings of such organization inures, other than through such payments, to the benefit of any private shareholder or individual.

13. Corporations classified as diversified management companies under section 5 of the federal investment company act of 1940 and registered as provided in that act.

14. Insurance companies paying to the state tax upon premium income derived from sources within this state.

15. Mutual ditch, irrigation or water companies or similar nonprofit organizations if eighty-five per cent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.

16. Workers' compensation pools established pursuant to section 23-961.01.

B. NONPROFIT MEDICAL MARIJUANA DISPENSARIES UNDER TITLE 36, CHAPTER 28.1, ARE EXEMPT FROM THE TAXES IMPOSED UNDER THIS TITLE.

**Sec. 5.** Conditional repeal; notice

A. Section 36-2812, Arizona Revised Statutes, as added by this act, is repealed as of the date the Arizona department of health services begins to issue registry identification cards to qualifying patients and designated caregivers.

B. The Arizona department of health services shall notify, in writing, the director of the Arizona legislative council of this date.

**Sec. 6.** Exemption from rule making

For the purposes of this act, the Department is exempt from the rule making requirements of Title 41, Chapter 6, Arizona Revised Statutes, for one year after the effective date of this act except that the Department shall provide the public with an opportunity to comment on proposed rules and shall publish otherwise exempted rules.

**Sec. 7.** Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CC-295

Item #: 2.

**TC Special Session & Study Session**

**Date:** 10/27/2010

**Requested by:** David Williams, Planning Division Manager

**Submitted By:** David Williams, Development Infrastructure Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

APPOINTMENT OF RESIDENT MARK NAPIER TO SERVE ON THE PLANNING AND ZONING COMMISSION WITH TERM EFFECTIVE THROUGH DECEMBER 31, 2011

**SUMMARY:**

As outlined in the Town Code and the Zoning Code, the Planning and Zoning Commission (PZC) provides recommendations to the Town Council on matters related to the General Plan, zoning, conditional uses and other plans, policies, amendments and regulations. The PZC is enabled by Arizona Revised Statutes and serves as the planning agency for the Town. The PZC is composed of seven members appointed by the Town Council and meets the first Tuesday of the month at 6:00 p.m. in Council Chambers.

**DISCUSSION:**

The purpose of this agenda item is to appoint a new member to fill a vacancy on the PZC created by the recent resignation of Member Caswell.

Four applications for PZC membership were received and all were interviewed. The interview panel used a question and answer format followed by informal discussion with each applicant. The interview panel included PZC Chair Clark Reddin, Council Liaison Joe Hornat, and Planning Division Manager David Williams.

**FISCAL IMPACT:**

N/A

**CONCLUSION/RECOMMENDATION:**

The interview recommends the appointment of Mark Napier to the Planning and Zoning Commission for a term effective through December 31, 2011.

**SUGGESTED MOTION:**

I move to appoint Mark Napier to serve on the Planning and Zoning Commission for a term effective through December 31, 2011.

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**Attachments**

Link: [Mark Napier Application](#)

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### ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

Dear Oro Valley Citizen:

We appreciate your interest in the Town of Oro Valley. This informational form, when completed, will allow us to quickly process your application. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from date of receipt.

Your supplying this data will greatly assist us in understanding how we can best use your talents and experience. We thank you kindly for volunteering to serve the Town.

**Please note: No volunteer shall serve on more than one standing Board at any time and must have resided in the Town for 1 year.**

Please return to the Town Clerk's Office, 11,000 North La Cañada Drive, Oro Valley, Arizona 85737.

Name NAPIER MARK D  
Last First Middle

Address 11601 N. COPPER SPRING TR. ORO VALLEY, AZ 85737  
Street City State Zip

Home Phone 797-1421 Business Phone 621-3643 Email MDNAPIER@COMCAST.NET

Number of Years in Oro Valley 16 (Must be a resident of the Town for 1 year.)

Signature [Handwritten Signature] Date 4/26/10

Please indicate the board or commission you wish to join: PLANNING AND ZONING COMMISSION

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

(SEE ATTACHED)

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.

(SEE ATTACHED)

Have you attended the Citizens Planning Institute? NO Are you willing to attend? YES

Briefly describe your educational/vocational background. (SEE ATTACHED)

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

[www.townoforovalley.com](http://www.townoforovalley.com)

# Oro Valley Volunteer Appointment Application

## Planning and Zoning Commission

**Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions which you have served.**

*I have been in public sector service for more than 28 years. I am currently an active member of the Santa Catalina Knights of Columbus and the American Legion. I am currently seeking membership in the Oro Valley Rotary. As a senior police commander with the Tucson Police Department and an executive commander with the Glendale Police Department, I served on numerous boards and commissions. I have served as an advisor to many neighborhood associations as a police captain with T.P.D. With Glendale P.D., I served on the West Valley Chief's Association and a violent crime board associated with Arizona State University. I am currently a member of the U of A Campus Community Review Commission as a representative of Parking and Transportation at the University of Arizona. I also serve on the University of Arizona Campus Sustainability Committee. I am the former president of the Arizona Police Accreditation Coalition. I am a former member of Tucson Clean and Beautiful.*

**How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.**

*My entire adult life has been dedicated to public service. I understand the public sector administration both as a volunteer serving various public causes and as a senior public sector leader. In my various roles in the public sector, I have become intimately familiar with planning and zoning practices. I have developed comprehensive plans and had to address zoning regulations. I have also used zoning regulations to help bring resolution to very difficult community quality of life problems.*

*Clearly, Planning and Zoning affects the long-term quality of life and overall appearance of our community. I have been an Oro Valley resident for more than 16 years. I have seen the result of Planning and Zoning decisions help our community grow in a positive fashion. As we look into the future this becomes more important, we must continue to engage in thoughtful planning, and responsible zoning practices. As a stakeholder and long-standing resident of Oro Valley, I want to be a part of such an important Commission and help to shape the future of our community.*

**Please describe your educational/vocational background.**

*I have a B.S. Degree in Social Psychology with a Human Resource emphasis and a Masters Degree in Criminal Justice from Boston University. I am the graduate of a public executive training program (S.M.I.P.) that addresses comprehensive public sector management issues and is taught almost exclusively by professors from the Harvard*

*Kennedy School of Government. I have extensive training and experience in the design/development of capital projects. This includes significant experience in planning public projects. With the Tucson Police Department, I was the Capital Projects Manager. In that position I was the project manager for the design, development and construction of the \$24.6 million police substation located at Flowing Wells and Miracle Mile. I was also the project manager of the \$15.6 million Evidence and Identification Facility at Park and Ohio. As the Capital Projects Manager for T.P.D., I also developed several master plans for capital projects. These included a master plan for the expansion of police headquarters, the police crime lab, the northeast police substation and a comprehensive examination of infrastructure enhancement for the Public Safety Training Center. While with T.P.D., I instructed Strategic Planning for the Arizona Regional Community Policing Institute for three years. I have a certificate in Project Management from the City of Tucson. At the Glendale Police Department, I served as the Assistant Director for the Administration Bureau. At G.P.D., I was the project manager for the development of a comprehensive plan for a future crime laboratory to serve west valley police agencies. As a police executive, we often examined planning and zoning issues when addressing community problems. This included how annexations might affect the dispensation of City services. I am currently the Associate Director of Parking and Transportation Services at the University of Arizona. In that position I oversee all parking and transportation programs for the U of A to include capital assets and alternate transportation programs. I am also responsible for strategic planning to address the future parking and transportation needs on campus.*

*My education, training and experience have prepared me to be a member of the Planning and Zoning Commission. I understand planning and zoning issues from my capital projects management experience and public sector executive level experience. I have specific training in the management of capital projects, which of course includes aspects of planning and zoning compliance. I have also looked at zoning as a tool when addressing difficult community problems. Working in areas of Tucson where, arguably, thoughtful planning and zoning was not present I have a keen appreciation for the role the Planning and Zoning Commission has in maintaining the quality of our community.*

*I have carefully reviewed the Zoning Code, Design Guidelines, Oracle Road Scenic Corridor Specific Plan, Sustainability Plan (draft), and General Plan. These were readily available to me on the Town's Website. These have provided me excellent insight into the direction the Town wishes to take with respect to zoning, design guidelines and our long-term community planning.*

*My most stellar qualification for serving on this Commission is my love for Oro Valley. I have been a resident here for approaching two decades. I have seen Oro Valley grow up and I see the promise of its future. When I was a police commander/executive, the demands on my time limited my availability for volunteer service. I am now semi-retired and working for the University. I am now able to engage myself in service to my community. I am a relaxed and easy to work with individual. I know the value of building consensus among group members. Importantly, I also know that this*

*Commission represents the town. People engaging the Commission will develop an opinion about our community based on the service provided to them by the Commission. This does not mean that everyone gets everything they want. What it should mean is that everyone (internal and external) transacting business with the Commission receives thoughtful, courteous and professional service. Serving on the Planning and Zoning Commission would allow me to bring forward my training and experience to help shape the future of Oro Valley ensuring the positive, responsible and sustainable growth of our community.*

*I would be honored to volunteer my time to serve on the Planning and Zoning Commission.*

*Respectively submitted,*

*Mark D. Napier*

**TC Special Session & Study Session****Date:** 10/27/2010**Requested by:** Amanda Jacobs, Economic Development Manager**Submitted By:** Amanda Jacobs, Town Manager's Office**Department:** Town Manager's Office

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**Information****SUBJECT:**

Discussion Regarding Joint Marketing Efforts with the Town of Marana

**SUMMARY:**

During the June 19, 2010 Council Retreat, Mayor Hiremath solicited interest from Councilmembers on projects they wanted to see move forward. Vice-Mayor Garner requested that staff investigate potential joint marketing opportunities with the Town of Marana, which was given general support for exploration at the retreat. The purpose of tonight's discussion is to seek Council feedback on the initial work that has been done on a potential joint marketing brochure.

**DISCUSSION:**

The Town of Marana recently produced a "Hiking Cochie & Wild Burro Canyons" brochure/map for trails in the Tortolita Mountains area (a hard copy is attached). The brochure/map is available to the public at the Marana Municipal Complex, the Marana Chamber of Commerce and the Ritz Carlton at Dove Mountain.

Marana and Oro Valley staff have met and believe there is an opportunity to jointly market both communities by expanding the "Hiking Cochie & Wild Burro Canyons" brochure/map to include Oro Valley trails and hiking information. The revised brochure/map would then be made available at additional locations including Oro Valley Town Hall, the Northern Pima County Chamber of Commerce, the Hilton El Conquistador Golf & Tennis Resort, the Holiday Inn Express, the Wingate by Wyndham and the Golf Villas.

In preparation for a joint study session of the Oro Valley and Marana town councils, to be held in January 2011, staff is seeking whether there is general agreement on developing costs and joint shared services between the Town of Marana and Oro Valley in this regard and how far staff should go in developing any other efforts that may be of interest.

**FISCAL IMPACT:**

The fiscal impact includes staff time and printing costs, which would be shared by Oro Valley and Marana. A suggestion has been made, but not explored, that advertising could help pay for the cost of the joint marketing brochure.

**CONCLUSION/RECOMMENDATION:**

Staff recommends jointly marketing with the Town of Marana and expanding the "Hiking Cochi & Wild Burro Canyons" brochure/map to include Oro Valley. Staff is seeking Council feedback this evening.

**SUGGESTED MOTION:**

Study Session - no action required.

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CC-299

Item #: 2.

**TC Special Session & Study Session**

**Date:** 10/27/2010

**Requested by:** Amanda Jacobs, Economic Development Manager

**Submitted By:** Amanda Jacobs, Town Manager's Office

**Department:** Town Manager's Office

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**Information**

**SUBJECT:**

Discussion Regarding Sign Code Task Force Recommendations Related to Permanent Signs  
(Continued from October 13, 2010 Study Session)

**SUMMARY:**

During the October 13, 2010 Study Session, Council requested that the Sign Code Task Force Recommendations related to Permanent Signs be moved to the October 27, 2010 Study Session. The purpose of tonight's discussion is to review the Sign Code Task Force Recommendations for Permanent Signs line-by-line.

**DISCUSSION:**

The Sign Code Task Force Recommendations for Permanent Signs include:

- Entryway Signs
- Freestanding/Monument Signs
- Under Canopy Signs
- Wall Signs
- Illumination

Details of the Sign Code Task Force Recommendations can be found in [Attachment 1: Sign Code Task Force Recommendations - Permanent Signs.](#)

**FISCAL IMPACT:**

N/A

**CONCLUSION/RECOMMENDATION:**

Staff is seeking Council feedback regarding the Sign Code Task Force Recommendations for Permanent Signs.

Staff will present the Sign Code Task Force Recommendations for Temporary Signs at the November 10, 2010 Study Session.

**SUGGESTED MOTION:**

Study Session - no action required.

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**Attachments**

Link: [Sign Code Task Force Recommendations - Permanent Signs](#)

Link: [Sign Code with proposed changes](#)

Link: [Oro Valley Commercial Sign Survey](#)

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# **Sign Code Task Force Recommendations**

# Permanent Sign Standards

## *Entryway Signs*



### **Current Code:**

Quantity: One (1) per entry wall per street frontage. If the linear dimension of the project exceeds 600 feet and there is more than one (1) entry point along that frontage, a second entryway sign may be permitted on that frontage. A corner wall that fronts both streets may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.

### **Task Force**

#### **Recommendation:**

Quantity: One (1) per entry wall per street frontage. If the linear dimension of the project exceeds 400 feet and there is more than one (1) entry point along that frontage, a second entryway sign may be permitted on that frontage. A corner wall that fronts both streets may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.

# Permanent Sign Standards

## *Entryway Signs*



Amber



White



Other colors

### **Current Code:**

Illumination: Halo illuminated letters, (white neon or amber LED) or direct lighting that shall not project above the wall.

### **Task Force Recommendation:**

Illumination: Halo illuminated letters, (~~white neon or amber LED~~) or direct lighting that shall not project above the wall. The sign may be turned on at 5 a.m. and shall be turned off by 11 p.m.

# Permanent Sign Standards

## *Freestanding/Monument Signs*



### **Current Code:**

Description: A permanent, freestanding style sign supported by structures, supports, columns, uprights, and/or braces, that are placed on, or anchored in the ground and is independent of the building or business. The sign may be single or doubled-faced. The sign may contain the name of the development and a maximum of six (6) anchor tenants, along with the address of the property. No individual tenant may be displayed on more than one (1) freestanding sign per street frontage. A theater, service station/fuel, religious institution, or school sign may display their name and/or logo along with changeable copy panels.

### **Task Force Recommendation:**

Description: A permanent, freestanding style sign supported by structures, supports, columns, uprights, and/or braces, that are placed on, or anchored in the ground and is independent of the building or business. The sign may be single or doubled-faced. The sign may contain the name of the development and a maximum of eight (8) anchor tenants, along with the address of the property. No individual tenant may be displayed on more than one (1) freestanding sign per street frontage. A theater, service station/fuel, religious institution, or school sign may display their name and/or logo along with changeable copy panels.

# Permanent Sign Standards

## *Freestanding/Monument Signs*



### **Current Code:**

Quantity: One (1) per entrance to a development. If the linear frontage of the development exceeds 600 feet and there is more than one (1) entrance to the development, a second freestanding sign shall be allowed on that frontage. A corner sign that fronts both street frontages may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.

### **Task Force**

#### **Recommendation:**

Quantity: One (1) per entrance to a development. If the linear frontage of the development exceeds 400 feet and there is more than one (1) entrance to the development, a second freestanding sign shall be allowed on that frontage. A corner sign that fronts both street frontages may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.

# Permanent Sign Standards

## *Freestanding/Monument Signs*



### **Current Code:**

Area: 50 square feet maximum for freestanding sign and 50 square feet maximum for monument/ground sign



### **Task Force Recommendation:**

Area: 50 square feet for a single tenant or the development name 72 square feet for a multiple tenant sign with tenant panels

# Permanent Sign Standards

## *Freestanding/Monument Signs*



### **Current Code:**

Height: Not to exceed eight (8) feet from grade



### **Task Force Recommendation:**

Height: Not to exceed eight (8) feet from grade. An architectural element to the sign, such as an arch or column, may exceed the height of the freestanding sign by 25% provided that all text and logos are under the eight (8) feet in height from grade.

# Permanent Sign Standards

## *Freestanding/Monument Signs*



### **Current Code:**

Illumination: Individual letters to be halo illuminated (white neon or amber LED). Individual panels are to be opaque with routed copy in which the copy may be lit internally or a combination thereof. The sign shall be turned off no later than 11 p.m.



### **Task Force**

#### **Recommendation:**

Illumination: Individual letters to be halo illuminated (~~white neon or amber LED~~). Individual panels are to be opaque with routed copy in which the copy may be lit internally or a combination thereof. Unused tenant panels shall be opaque and designed to match the rest of the sign. The sign may be turned on at 5 a.m. and shall be turned off by 11 p.m.

# Permanent Sign Standards

## *Under Canopy Signs*



**Current Code:**

Description: A wall mounted or hanging sign which identifies the name of the business and/or logo. Under canopy signs shall be consistent in color and materials within a sign criteria approved by the Town of Oro Valley. An under canopy sign is to be located entirely under a covered porch, walkway, extended roof or the like and is solely used for pedestrian traffic only.

**Task Force Recommendation:**

Description: A wall mounted or hanging sign which identifies the name of the business and/or logo. Under canopy signs shall be consistent in color, shape, design, and materials within a sign criteria approved by the Town of Oro Valley. An under canopy sign is to be located entirely under a covered porch, walkway, extended roof or the like and is solely used for pedestrian traffic only.

# Permanent Sign Standards

## Wall Signs



### Current Code:

Quantity: No more than two (2) elevations may contain a wall sign.



### Task Force Recommendation:

Quantity: No more than two (2) elevations may contain a wall sign. A single tenant who occupies an entire freestanding building, may have signs on three (3) elevations. Only two elevations may contain illuminated signs.

# Permanent Sign Standards

## Wall Signs



Day view of Oro Valley Marketplace from Catalina Shadows



Night view of Oro Valley Marketplace from Catalina Shadows



Illuminated wall sign

### Current Code:

Illumination: An illuminated wall sign shall be turned off no later than one (1) hour after the closing of a business.

### Task Force Recommendation:

Illumination: An illuminated wall sign may be turned on at 5 a.m. and shall be turned off no later than 11 p.m. or when the business closes, whichever is later.

## **Chapter 28**

### **SIGNS**

#### **Section 28.1 General - Signs**

##### **A. Purpose**

1. The purpose of this Chapter is to establish reasonable regulations for the design, construction, installation and maintenance of all exterior signs in the Town of Oro Valley in order to:
  - a. Preserve and protect the public health, safety, welfare, and convenience. Protect the general public from injury or damage, which may be caused by faulty and uncontrolled construction or improper location of signs within the Town.
  - b. Provide for an effective form of communication while preserving the scenic beauty of the desert environment. Ensure that the signage is clear, compatible with the character of the adjacent architecture and neighborhoods and provides the essential identity of, and direction to, facilities in the community.
  - c. Enhance the potential economic value and encourage quality development within the community, as well as, promote and aid tourist industry, which is an important part of the economy of the Town.
  - d. Promote the effectiveness of signs by preventing their over-concentration, improper placement, excessive clutter, size, and number.
  - e. Safeguard and preserve the unique character of the Town creating an attractive and appealing community environment in which to live, work and visit. Assure that the public benefits derived from expenditures of the public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable controls over the character and design of sign structures.
2. It is not the purpose of this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter.

## **B. Requirement for Conformity**

If any sign and/or sign structure is located, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Chapter, the Town or any owner or tenant of real property aggrieved by the alleged violation, in addition to other remedies available at law, may institute appropriate injunction proceedings to correct the violation with the Oro Valley Magistrate Court.

## **C. Non-Conforming and Discontinued Signs**

### **1. Signs Rendered Non-Conforming**

- a. If, at the time of the adoption of this Chapter, or amendment thereto, or of any extension of jurisdiction resulting from annexation, or of any amendment to the Oro Valley Zoning Code or any permanent sign which is being used but does not conform to the provisions of this Chapter, shall be deemed legal non-conforming.
- b. Any sign which becomes legal non-~~conforming~~, conforming shall be permitted to remain, provided the sign;
  - i. Is not increased in area or height
  - ii. Remains structurally unchanged, except for reasonable repairs or alteration; and
  - iii. If relocated, due to no fault of the owner, is placed in the same relative position on the remaining property that it occupied prior to the relocation
  - iv. Is relocated in a manner so as to comply with applicable safety requirements, and
  - v. Is not discontinued per Section 28.1.C.2.
- c. Alteration or Removal of Non-Conforming Signs
  - i. A non-conforming sign shall not be re-erected, relocated (except as permitted above), or replaced unless it is brought into compliance with the requirements of this Chapter.
  - ii. Any non-conforming sign shall be removed or rebuilt in full conformity to the terms of this Chapter if it is damaged or allowed to deteriorate to such extent that the cost of repair or restoration is 50 percent or more of the costs and/or replacement of materials.

## 2. Signs Rendered Obsolete or Discontinued

- a. Except Lease, Rent, and For Sale Signs, any sign, which is located on a property, which becomes vacant and unoccupied for a period exceeding three (3) months shall be deemed to have been discontinued.
- b. Sign structures, which remain vacant, unoccupied, obsolete, devoid of any message or display, a message pertaining to a time, event or purpose that no longer applies for more than three (3) months, shall be deemed discontinued.
- c. It shall be the responsibility of the owner of the premise to remove any sign deemed discontinued subject to penalty as set forth in Section 30.2 of the Oro Valley Zoning Code.

## 3. Change in Business

- a. When a business establishment closes, relocates, changes names, or abandons any sign or structure, the owner of the property shall remove the sign, or cause it to be removed, within 30 days of the change of business. If the sign is to be immediately re-faced with a new business name, a new sign permit shall be required and applicable fees shall be paid. A permit shall be non-transferable from one to another.
- b. A non-conforming sign shall be brought into compliance with the requirements of this Chapter when a business establishment closes, relocates, changes names, or abandons any sign. A permit and applicable fees for the sign modifications are required.

## **D. Liabilities for Insurance and Damages**

1. The provisions of this code shall not be construed to relieve or to limit in any way, the responsibility or liability of any persons, firm or corporation which erects or owns any sign from personal injury or property damages caused by, attributed to, such sign. The provisions of this code shall not be construed to impose upon the Town of Oro Valley, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this code.

## **E. Prevailing Code**

In the event a provision established in this Chapter is found to be in conflict with another provision in the Oro Valley Zoning Code Revised, or any other Town Code, the more restrictive shall prevail.

If the Town-adopted sign regulations/guidelines for any development, including Planned Area Developments, do not address specifically any such sign criteria, the provisions of this Chapter shall apply.

In the event that a Commercial, Industrial, Residential, and/or Subdivision should fall under a Zoning of a Planned Area Development (PAD), the rules and regulations of that PAD shall apply.

**F. Signs Prohibited by Omission**

In addition to those signs, or sign types, specifically prohibited by Section 28.9 of this Chapter, any sign, or type of sign, not specifically permitted under provisions of this code shall be prohibited.

**Section 28.2 Procedures and Enforcement**

The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager is responsible for enforcing this chapter pursuant to Section 21.2.B.7 and 21.4.B.10. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager is, hereby authorized and empowered to ensure that all provisions of this chapter are met in fact and intent. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may appoint a designee to assure code compliance. The procedures to be followed in exercising this authority are outlined in Section 28.2.C through 28.2.E.

**A. Sign Permits, Fees, and Application**



**Procedures**

A sign permit shall be required in order to erect, install, relocate, modify, or change any sign within the Town of Oro Valley.

1. Approval of all temporary sign permits shall be at the discretion of the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager or his/her designee.
2. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager or his/her designee shall authorize issuance of permits for permanent signs, after applications have been reviewed by staff for code compliance. Any proposed sign criteria or Comprehensive Sign Programs for a new Development are subject to review by the Development Review Board. Once sign criteria have been approved for a new Development, any issuance of sign permits shall be at the discretion of the Town as long as the application meets the approved sign criteria set forth for that Development.
3. All electrical work associated with the sign installation must conform to the currently adopted versions of the 2002 National Electrical Code and must be reflected on the application.
4. Permit Fees: Upon approval of an application for the sign permit, the applicant shall be advised of the applicable fee. Permits will not be issued until all applicable fees have been collected. Fees shall be assessed according to a schedule adopted by the Town Council.

Exception: The owner of a non-conforming sign shall not be required to pay a fee for a permit to bring an existing sign into conformance with this code.

5. Application Procedures

- a. Additional information as specified by the Planning ~~and Zoning Administrator~~ Division Manager.

6. Permit Expiration

- a. Every permit issued under this Chapter shall expire by limitation and become null and void if the work authorized by such permit is not completed within 180 days from the date of such permit. Prior to expiration of the permit, the applicant may request an extension of the expiration date at the discretion of the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager and/or his/her appointee. Once the permit has expired, before such work can recommence, a new permit shall first be obtained and the fee therefore shall be 50 percent of the amount required for a new permit for such work, provided no changes have been, or will be, made in the original plans and specifications.
- b. Any sign, for which renewal fees have not been paid, and said remittance is delinquent for 14 days or more is deemed to be an

illegal sign, and said sign must be removed in accordance with the requirements of this Chapter.

## B. Sign Criteria and ~~master~~ Master Sign Program

Sign Criteria and Master Sign Programs are official documents that regulate all signage within a development. An approved Sign Criteria or Master Sign program is required prior to issuance of a sign permit for: (1) non-residential multiple-occupancy buildings; (2) commercial, office, resorts, and/or industrial centers.

Any development, including single-occupancy developments, within and/or adjacent to an existing development that shares access and/or parking with that development must: (1) follow the approved Sign Criteria or Master Sign Program for the existing development; or (2) submit an approved Sign Criteria or Master Sign Program. If the owner elects to follow the Criteria or Program of the existing center, no additional approvals are required prior to issuance of a sign permit.

A sign package for commercial and/or industrial businesses, that has not been approved as part of a Sign Criteria and/or Master Sign Program shall be reviewed by the Development Review Board prior to the issuance of a permit.

### 1. Sign Criteria

Sign Criteria shall be written in compliance with the provisions of this Chapter and Addendum A design guidelines. For areas within a PAD (Planned Area Development), Sign Criteria shall be written in compliance with the provisions of the PAD. Sign Criteria require the approval of the Development Review Board.

### 2. Master Sign Program

A Master Sign Program is an alternative to the sign regulations herein, which provides latitude in order to achieve variety and good design.

- a. Master Sign Programs shall be based on the provisions of this Chapter and shall conform to the purpose and intent of the Chapter and to the guidelines in Addendum A.
- b. Master Sign Programs shall include only those sign types already permitted herein and may allow adjustments to the standards of those types provided they are justifiable.
- c. A Master Sign ~~Program~~ shall not be used for single occupancy developments. The use of a Master Sign Program is to allow adjustments to the standards of multiple sign types.



particular project area. The Town Council shall approve, conditionally approve, or deny the request.

#### **D. Revocation of Permit**

The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may, in writing, suspend or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a material omission or misstatement of fact, or is in violation of this ordinance or the Oro Valley Town Code.

#### **E. Abandoned, Illegal, Prohibited, or Inadequately Maintained Signs**

If an abandoned, illegal, prohibited, or inadequately maintained sign is located within the Town, the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager shall be empowered to authorize the ~~Senior Zoning Inspector~~ ~~Planning Manager~~ Planning Division Manager to issue a citation. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may also require removal or repair of the sign and shall advise the owner of said sign, or as an alternative, the owner of the property where said sign has been posted, to correct whatever violation or inadequacy he/she deems to exist. All actual costs and expenses of any such removal or repair shall be borne by the property owner of such sign.

#### **F. Emergency Removals and/or Repair**

1. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager is authorized to cause the immediate removal or repair of any sign or signs found to be unsafe or defective to the extent that it creates an immediate and emergency hazard to persons or property. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager shall make reasonable effort to notify the property owner and/or lessee that the unsafe or defective sign must be removed or repaired immediately. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may cause any sign or advertising structure which is an immediate peril to persons or property to be removed summarily after attempt to reach the owner of the sign and the owner of the property, and without notice if the peril does not allow time for telephone notice.
2. All actual costs and expenses of any sign removal or repair shall be borne by the owner of such sign and by the owner of the premises on which the sign is located. Each of them shall be jointly and severally liable thereof, and an action for recovery thereof may be brought by the Town upon proper documentation of such cost and/or expenses by the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager shall provide

written notification to the property owner, prior to the Town placing a lien on the property with the County Assessor's Office.

## **G. Variances**

The Board of Adjustment shall review any request for a variance to the standards contained in the Oro Valley Zoning Code Revised in accordance with Section [21.6](#).

## **Section 28.3 Requirements**

### **A. Construction**

#### 1. Building Code

All signs shall be designed and constructed in conformity with the current Building Codes of the Town of Oro Valley.

#### 2. Electrical Code

All signs requiring an electrical permit per Section 28.2.A shall be in conformance with the current 2002 National Electrical Code adopted by the Town of Oro Valley.

#### 3. Permanent Sign Materials

All permanent signs shall be constructed using structural members of materials subject to approval of the Building Official and/or Town Engineer. Non-structural trim may be wood, metal, aluminum, approved plastics, lexan, and or a combination thereof.

#### 4. Temporary Sign Materials

Materials proposed to be used in constructing Temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager, Building Official and/or his/her designee.

### **B. Illumination**

#### 1. Illumination of signs may be accomplished only by the following methods:

- a. Halo Illumination, ~~white or neon internal illumination~~ only, unless otherwise approved by the ~~Planning and Planning and Zoning~~

~~Administrator~~ Planning Division Manager or the Development Review Board.

- b. Area lighting provided such lighting is in accordance with the Town of Oro Valley Lighting Code.
- c. Internal illumination to the extent that only the sign characters and logos emit light.
- d. An illuminated wall sign may be turned on at 5 a.m. and shall be turned off no later than ~~one (1) hour after the closing of a business~~ 11 p.m. or when the business closes, whichever is later.
- e. LED lighting may be a component of a sign as specifically called out under this Chapter.

## 2. Prohibited Lighting

The following types of light sources are prohibited as means to illuminate or attract attention to any sign:

- a. Exposed neon and/or neon type tubing except for “open” and/or “closed” signs.
- b. Internal lighting other than that expressly permitted in Section 28.3.B.1.
- c. Blinking, flashing, rotating and animated light sources.
- d. Search lights.
- e. An illuminated sign placed on the interior of a business, which is visible from the outside, cannot be illuminated when the business is closed.

## C. Colors

1. Various sign colors shall be permitted, except fluorescent or iridescent colors.
2. All developments, including those within a Planned Area Development (PAD) that have established sign criteria or Master Sign Program approved by the Development Review Board, shall be required to utilize only those colors that were approved by the Development Review Board.
3. Consistency of typeface, illumination, and color is preferred if established sign criteria have been approved, and then all requirements of that criteria must be utilized.

## D. Location and Measurement Standards

1. The following shall apply for the location standards of a sign:
  - a. No sign shall be installed so as to obstruct any door, window, or fire escape of any building.
  - b. No sign shall be erected in such a way as: a) to interfere with or to confuse traffic, b) to present any traffic hazard, c) to obstruct the vision of motorists.
  - c. No sign shall be erected in a manner which projects over any public sidewalks, street, alley, or public place unless otherwise approved by the Town Engineer and/or ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager or is allowed by any portion of this Chapter.
  - d. No person shall place or maintain a sign in public right-of-way, except as permitted by Sections 28.1.C, Non-Conforming and Discontinued Signs, 28.6.B.6., Real Estate Lease, Rent and For Sale Signs and 28.7, Temporary Signs on Public Property. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may cause the removal of any unauthorized signs from public right-of-way.
  - e. No sign shall be installed so as to interfere with the essential identity of another sign.
2. The sign area shall be measured in compliance with the following guidelines:
  - a. The area of a sign that consists of individual letters, words and symbols, which are placed upon a building wall of freestanding wall and are not encompassed by a frame or boundary, shall be measured by the overall height of the tallest letter by the overall length of the entire sign. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may approve the calculation of signs by measuring the sum of the smallest rectangular shape needed to enclose each letter or symbol if special circumstances arise that would warrant the need to calculate differently.
  - b. A sign that consists of multiple faces such as a freestanding sign shall be measured to encompass the overall height by overall length of one (1) face.
  - c. The sign height shall be measured as the vertical distance from the average finished grade beneath the sign to the topmost feature of the sign. If the sign is located where the average finished grade

is lower than the adjoining grade of the road, the sign height may be taken from the top of the road, curb, or crown of the road nearest the property to the topmost portion of the sign.

- d. Clearance is measured as the shortest distance between the underside of the sign and the average finished grade beneath the sign.
- e. Setbacks for freestanding signs shall be measured from the edge of the sign structure closet to the property line.

## **E. Inspections and Maintenance**

### **1. Inspections**

The Building Codes Administrator, ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager, and/or Town Engineer, or any such person officially designated by them, is hereby empowered to perform inspections, as deemed appropriate, to assure compliance with this code.

### **2. Maintenance**

Each sign shall be maintained in a new or like new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

## **F. Landscaping**

1. The base for all permanent freestanding signs shall be integrated into a landscape buffer area.
2. The landscaped area shall conform to the Town's landscape requirements and shall be maintained at all times.
3. The landscape design shall not permit plants that would obstruct the visibility of the sign face from the street.

## **Section 28.4 Definitions and Sign Types**

### **1. Abandoned Signs**

A sign which advertises, identifies or gives notice of a business which is no longer in operation or an activity which has already occurred.

### **2. Advertisings**

A sign primarily listing products sold or services offered, or products manufactured on the premises.

3. Alterations

Shall mean any change, addition, or modification in construction of an existing sign.

4. Animations

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 varying of light intensity. The automatic changing of all or part of the facing of the sign. The movement of a sign set in motion by the atmosphere.

5. Awning Signs

Refer to Section 28.5.B.1.

6. Balloon Signs

An airtight bag filled with helium, gas, hot air or the like, causing it to rise, that is anchored to a building or structure with ropes, wires and/or string to attract attention to the public.

7. Banners

Refer to Section 28.6.A.1.

8. Billboards

An off-site sign that is pasted, painted or fastened on in a manner to allow for periodic replacement of messages that is not located on the property where the billboard is located.

9. Building Frontage

The measurement between two (2) straight lines projecting from the outermost edges of a building or tenant space wall, that are perpendicular to a straight line running along the ground level of the front of the measured wall.

10. Cabinet Signs

A three (3) dimensional structure which includes a frame, borders and sign panel face and may include internal illumination upon which the sign logos are placed or etched, and is architecturally integrated with the building.

11. Change of Copy

A replacement face(s) or material to an existing sign without changing any structural members, sizes, and/or heights.

12. Changeable Copy Signs

Refer to Section 28.5.B.2.



13. Character

Any letter, number, logo, and/or symbol as defined in this Section.

14. Construction Signs

Refer to Section 28.6.A.2.

15. Development Complex

A site, having common vehicular access points, which is subject to a development plan.

16. Development Signs

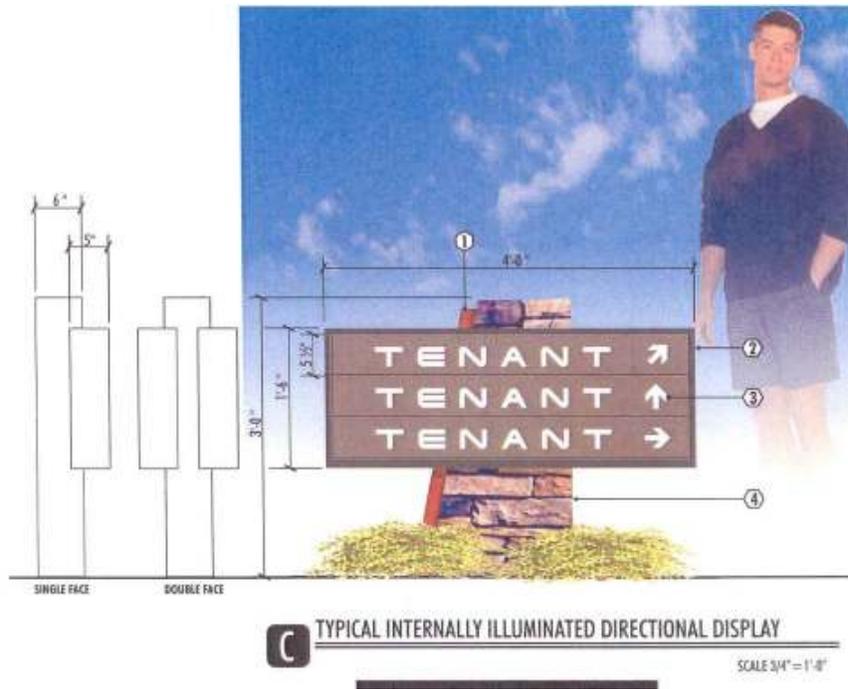
Refer to Section 28.6.A.3.

17. Direct Lighting

A source of external illumination located a distance away from the sign which lights the sign, but which itself, is not visible from any normal position or view.

18. Directional Signs

Refer to Section 28.5.B.3.



19. Directory Signs

Refer to Section 28.5.B.4.



20. Double-Faced Signs

A sign having two (2) display surfaces, one (or more) support(s) of which is (are) shared by both surfaces. Hence, double-face signs include back-to-back signs as well as V-shaped signs.

21. Electronic Message Signs

A sign that permits the movement or frequent changing of messages by means of electronically controlled sign copy.

22. Entryway Signs

Refer to Section 28.5.B.5 and Section 28.5.c.1.



23. Fascia

A parapet-type wall used as part of the facade of a flat-roofed building and projecting from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof.

24. Flags

Refer to Section 28.6.A.4.

25. Freestanding

Shall mean any structure, which is not attached to any other structure or portion of a structure.

26. Freestanding Signs

Refer to Section 28.5.B.6.



27. Garage Sale Signs

An on-site or off-site, temporary sign, made from paper, poster board, cardboard, or like material.

28. Government Signs

A sign installed or required by a public agency such as traffic, public, transit, public information, or the like.

29. Grade

Shall mean the elevation of the ground surface, paving, or sidewalk.

30. Grand Opening Signs

An on-site sign advertising the opening of an establishment, expansion, or change of ownership of a commercial enterprise, new business, store, or office.

31. Ground or Monument Signs

Refer to Section 28.5.B.96.

32. Halo Illumination

Illumination produced by recessing a light source inside a hollow character with an open back or within the surface to which the sign letters are mounted. An outline glow around the characters is created by this light reflecting off the background to which the characters are attached.

33. Historical Marker

A sign marker locating and identifying a historical interest or site.

34. Home Occupation Signs

A sign that identifies a business or commercial activity that is conducted from the property zoned for residential use.

35. Human Signs

Any portable commercial advertisement that is held or worn by a person or persons to draw attention to or direct the public to a business or event.

36. Identification Signs

An on-site, permanent sign, which identifies the premise where the sign is located.

37. Illuminated Signs

A sign, whose surface is lit internally or externally.

38. Indirect Lighting

A source of external illumination located a distance away from the sign, but which is itself not visible from any normal position.

39. Internal Illumination

A source of illumination entirely within the sign wherein the source of the illumination is not visible.

40. Kiosk Signs

A freestanding sign providing directional information to Town facilities, subdivisions and apartments. The Town shall contract with an independent contractor who will coordinate a subdivision tract and

~~apartment sign program within the Town limits. The contractor shall be responsible for the manufacture of all kiosks and tract signs. All signs shall be built in accordance with the contract, specifications of the International Building Code and specifications of the Town's Building Safety Division.~~

Refer to Section 28.5.B.7.

41. Logo

A graphic symbol representing a business. Logos shall be registered trademarks.

42. Maintenance

The replacing or repairing of a part of a sign made usable, unsafe, or unattractive by ordinary wear, tear or damage beyond the control of the owner, or the repainting of an existing sign without changing the wording, location, composition or color of said sign.

43. Marquee Signs

Any sign affixed to or constructed in a roof like structure or awning projecting over an entrance to a building such as a theater.

44. Memorial Signs

A permanent sign, table, or plaque memorializing a person, event, structure, or site.

45. Menu-Boards

Refer to Section 28.5.B.8.

46. Model Home Flags

Refer to Section 28.6.B.3.

47. Modifier

A word describing uses and activities other than the business name.

48. Moving or Animated Signs

Any sign or part of a sign which changes physical position, flashes, blinks lights, rotates or conveys the illusion of movement by mechanical means, illumination and/or air movement.

49. Neon Signs

An illuminated, commercial display made up of glass tubes, shaped to form letters and designs.

50. Non-Conforming Signs

Any sign which does not conform to the provisions of this code but which, when first constructed, was legally allowed by the Town of Oro Valley or political subdivision then having control over signs.

51. Obsolete

That which is no longer used.

52. Off-Site Signs

Any sign not located on the premises or site of the use identified or advertised by the sign.

53. On-Site Signs

Any sign, which is located on the premise or site of the use identified or advertised by the sign.

54. On-Site Subdivision Signs

An on-site, temporary sign, located at the entrance to a subdivision.

55. Open House

A dwelling or office space to which the public is invited for walk-in inspections.

56. Pan-Channel Letters

A dimensional character fabricated to form a pan (i.e., a back and sides). The pan is formed in the shape of a character. The sides are strips of the same material fastened to the back. The open end of the pan is usually capped by a character cut from translucent acrylic, and is known as the face. Neon or low voltage lights are then installed inside the pan to illuminate the face.

57. Parapet

The top portion of the wall which extends above the roofline.

58. Pennants

Any lightweight plastic, fabric or other material, containing multi-colors and whether or not containing a message of any kind, suspended from a rope, wires, or string, designed to move in the wind.

59. Permanent Sign

Any display of letters, numerals, symbols, and/or insignia that is intended to be displayed for an indefinite or long-lasting period and the lettering or message of which is intended to remain

essentially unchanged except for the maintenance against normal effects of exposure to weather.

60. Pole Cover

Covers made from various materials which enclose or conceal a pole or other structural supports or members to the sign.

61. Political Election Sign

A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a public party, or relating to a matter to be voted upon at an election called by a public body.

62. Portable Signs

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be moved by means of wheels; signs converted into A-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicles is used in normal day to day operations of the business.

63. Posters

A large printed display or picture often posted in a public place as a notice or advertisement.

64. Premises

All contiguous land used and occupied by an establishment, whether owned or leased from another. Included are all buildings, storage and service areas, and private roads or driveways which are an integral part of the establishment.

65. Prohibited Use

Shall mean a use not specifically permitted.

66. Public Service Signs

A sign which provides directions to a public or quasi-public location such as community centers, schools, town facilities, and religious institutions.

67. Projecting Signs

An on-site sign attached to and extending more than 12 inches from a structure not designed exclusively for the support of the sign and/or a sign which projects from the wall of a building or structure perpendicular to the wall surface.

68. Real Estate Signs

A sign pertaining to the sale, rent or lease of the premise, or portion of the premise on which the sign is located.

69. Reasonable Repairs

To restore an existing structure to a good or sound condition resulting from decay or damage.

70. Residential Signs

A sign on which is displayed the name and address of the occupant.

71. Reverse Channel Letters

A sign with dimensional character(s) fabricated from opaque material to form a pan, i.e., a front and sides. The pan is formed in the shape of a character. The sides are strips of material fastened to the front. The back remains open. Neon or low voltage lights may be installed inside the character which creates a halo illumination.

72. Roofline

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

73. Roof Signs

A sign that is mounted on, above or over the roof of a building, so that it projects above the highest point of the roofline, parapet or fascia of the building.

74. Seasonal Signs

Refer to Section 28.6.A.6.

75. Service Station/Fuel Signs

Refer to Section 28.5.B.109.



76. Setback

The shortest straight line distance in feet from the nearest property or lot boundary to the main accessory building, structure, sign, or the like, located on the same property or lot.

77. Sign

Every message, announcement, declaration, display, illustration, insignia, character, surface, or space erected, maintained or attached to any structure, surface, or thing and made visible for the purpose of attracting attention or to make anything known to the public.

78. Sign Area Allotment

The permitted amount of identification sign area on ratio to the linear footage of building frontage.

79. Sign Modification

Any change to an existing sign's copy, color, and/or supporting structures.

80. Sign Structure

A freestanding wall, pole, pedestal, or object erected for the purpose of supporting the sign.

81. Single Occupancy Development:

A development that is not part of a larger development and is solely used for a single business.

8182. Site Plan

A plan drawing of an individual site including the layout of buildings, circulation system, parking, walls, landscaping, open space and any other appropriate information as required by the Town of Oro Valley to provide adequate review.

8283. Special Event Signs

Refer to Section 28.6.A.7.

8384. Subcontractor Signs

A temporary sign which identifies the firm, business, persons, or entity responsible for work or activity in progress at the location of the sign.

8485. Symbol

A letter, figure, or other conventional mark designating an object, quantity, operation, function, or the like.

8586. Temporary Signs

Any display in public view to advertise or convey information or direction which is intended to be displayed for a limited or finite period of time

only. The type, quality, and materials of construction of which, although visually attractive and structurally sound, are not intended to be long lasting.

8687. Tenant Directoriesy

Refer to Section 28.5.B.4410.



8788. Theater Signs

Refer to Section 28.5.B.4211.



8889. Time and Temperature Signs

Refer to Section 28.5.B.4312.

8990. Traffic Signs

An on-site sign or off-site sign whose sole purpose and placement are solely to define and streamline the flow of vehicular traffic so as to minimize congestion and promote safety.

9091. Under Canopy Signs

Refer to Section 28.5.B.4413.

9192. Unoccupied

A premises or structure which is not occupied or being put to those uses as authorized by the last business privilege license issued by the Town for that address and business or a premises or structure where the public utilities are not in service.

9293. Vehicle Signs

A sign mounted, painted, or erected upon trucks, cars, boats, trailers, or other motorized vehicles or equipment and is parked for the primary purpose of functioning as a sign.

9394. Wall

Any structure or device required or allowed by the code forming a physical barrier which is so constructed that 50 percent or more of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in the horizontal plane. This shall include concrete, concrete block, wood, or other materials that are solid and are so assembled as to form a screen. Where a solid wall is specified, 100 percent of the vertical surface shall be closed except for approved gates or other access ways. Where a masonry wall is specified, said wall shall be concrete block, brick, stone, or other similar material and 100 percent of the vertical surface shall be closed except for the approved gates and access ways.

9495. Wall Signs

Refer to Section 28.5.B.1514.



9596. Window Signs

~~96.~~ Refer to Section 28.5.B.165.

((O)07-33, Amended, 9/19/07)

**Section 28.5 Permanent Signs**

**A. Identification Signs**

1. The following sign shall be required for the purpose of identification:
  - a. Residential address
  - b. Building address for multi-building development (Refer to the current Pima County Addressing Code Regulations)
  - c. Names of streets, drives, circles, complexes, condominiums, etc.

**B. Permitted Signs in a Commercial/Industrial District**

The following permanent sign types shall be allowed within a Commercial, Industrial and/or Private Schools District.

1. Awning Signs

- a. Description: A sign, which is placed on, or integrated into, fabric or other material canopies, which is mounted on the exterior wall of a

building. Sign copy affixed to an awning may only display the name of the business and/or address.

- b. Quantity: One (1) awning allowed per business.
- c. Area of Sign Copy: 20 square feet maximum which shall count against the businesses sign area allotment.
- d. Height: Not to exceed above the roofline of a building.
- e. Illumination: Internal illumination, fluorescent lamps, provided only the copy emits light. The background material shall be opaque. An awning sign must be turned off one (1) hour after closing of business.

## 2. Changeable Copy Signs

- a. Description: A sign or portion thereof with characters, letters, or illustrations that can be changed or re-arranged without altering the face or surface of the sign. Changeable copy signs are limited to and/or restricted to theater, service station/fuel signs, schools, and religious institutions. Such signs shall be integrated into freestanding and/or wall mounted type signs and may be illuminated. Changeable copy may not be changed electronically, except for those specifically called out under this ordinance.
- b. Quantity: One (1) allowed as part of a freestanding or wall sign.
- c. Area of Sign: To be included as a component of a freestanding or wall sign.

## 3. Directional Signs

- a. Description: A permanent freestanding, on-site sign that is placed solely to define location and streamline the flow of vehicular and/or pedestrian traffic so as to minimize congestion and promote safety. A directional sign can only display one of the following: "exit," "enter," "name of the business and/or logo," "address and/or suite #," along with an arrow directing traffic.
- b. Quantity: One (1) single or double faced directional sign per individual, freestanding, business that is not part of a Master Sign Program. Businesses that have drive-thru lanes shall be allowed one (1) additional directional sign.
- c. Area of Sign: Six (6) square feet.
- d. Height: Not to exceed three (3) feet.

- e. Location: To be located at an access point to the property and/or interior to the property of the business.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: Internal illumination allowed provided that the sign is turned off one (1) hour after the business has closed.

#### 4. Directory Signs

- a. Description: An on-site, freestanding sign, interior to a Development, that lists only names and locations of the businesses or activities within a building or multi-tenant complex. A directory sign shall help to direct vehicular and/or pedestrian traffic.
- b. Quantity: Shall be determined and reviewed by the Town. Applicant shall follow the guidelines set forth under a Master Sign Program, Section 28.2.B.
- c. Area of Sign: Not to exceed 40 square feet. Each business displayed on the sign shall not exceed two (2) square feet.
- d. Height: Not to exceed eight (8) feet from grade.
- e. Location: Interior to the property or development, such as the parking area.
- f. Setback: Minimum 40 feet from the property line.
- g. Illumination: Internal illumination allowed provided that the sign is turned off at 11:00 pm.

#### 5. Entryway Signs

- a. Description: A permanent sign identifying the entrance to a subdivision, complex, facility, or commercial development.
- b. Quantity: One (1) per entry wall per street frontage. If the linear dimension of the project exceeds ~~600~~ 400 feet and there is more than one (1) entry point along that frontage, a second entryway sign may be permitted on that frontage. A corner wall that fronts both streets may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.
- c. Area of Sign: 32 square feet.

- d. Height: Not to exceed the height of the entryway wall in which the sign is placed.
- e. Location: At the main entrance in a landscaped area setting, either on the ground or in raised planters, which extends a minimum of three (3) feet from all sides of the sign visible from the street.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: Halo illuminated letters, ~~(white or neon or amber LED or neon)~~ or direct lighting that shall not project above the wall. The sign may be turned on at 5 a.m. and shall be turned off by 11 p.m.

#### 6. Freestanding/Monument Signs

- a. Description: A permanent, freestanding style sign supported by structures, supports, columns, uprights, and/or braces, that are placed on, or anchored in the ground and is independent of the building or business. The sign may be single or doubled-faced. The sign may contain the name of the development and a maximum of ~~six (6)~~ eight (8) ~~anchor~~ tenants, along with the address of the property. No individual tenant may be displayed on more than one (1) freestanding sign per street frontage. A theater, service station/fuel, religious institution, or school sign may display their name and/or logo along with changeable copy panels.
- b. Quantity: One (1) per entrance to a development. If the linear frontage of the development exceeds ~~600~~ 400 feet and there is more than one (1) entrance to the development, a second freestanding sign shall be allowed on that frontage. A corner sign that fronts both street frontages may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.
- c. Area of Sign: 50 square feet for a single tenant or the ~~development~~ name sign and 72 square feet for a multiple tenant sign with tenant panels.
- d. Height: Not to exceed eight (8) feet from grade. An architectural element to the sign, such as an arch or column, may exceed the height of the freestanding sign by 25% provided that all text and logos are under the eight (8) feet in height from grade.
- e. Location: To be placed at the entrance to a development or individual property.

- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: Individual letters to be halo illuminated ~~(white neon or or amber LED or neon)~~. Individual panels are to be opaque with routed copy in which the copy may be lit internally or a combination thereof. Unused tenant panels shall be opaque and designed to match the rest of the sign. The sign may be turned on at 5 a.m. and shall be turned off not later than 11:00 pm.

## 7. Kiosk Identification Signs

All kiosk signs shall be governed by the following sign program:

- a. Description: The Town shall contract with an independent contractor who will coordinate a subdivision tract and apartment sign program within the Town limits. The contractor shall be responsible for the manufacture of all kiosks and tract signs. All signs shall be built in accordance with the contract, specifications of the International Building Code and specifications of the Town's Building Safety Division.
- b. Quantity: Provided in the contract approved by the Town.
- c. Area of Sign: Each sign panel shall not exceed a maximum of eight (8) inches by four (4) feet in length.
- d. Height and Width: Each kiosk shall not exceed a maximum five (5) feet in width and eight (8) feet in height.
- e. Location: Kiosks shall be approved in any zone within the Town, provided they are located on an Arterial or Collector street.
- ~~f. Standards: Planning and Zoning, along with Public Works, shall review all applications for the location of the kiosks.~~
  - ~~i. There shall be no more than four (4) kiosks to any application;~~
  - ~~ii. An encroachment permit shall be issued for any kiosk proposed in public right of way.~~
  - ~~iii. Kiosks shall not obstruct the view of the traveling public.~~
  - ~~iv. Kiosk signs shall only display and give direction to, the name of a subdivision.~~
- gf. Illumination: Shall be non-illuminated.

hg. Removal: Any kiosk containing less than three (3) panels, for a period of 90 days, shall be removed by the contractor.

h. Additional Requirements: The Development and Infrastructure Services Department ~~Planning and Zoning, along with Public Works (check for other instances)~~ shall review all applications for the location of ~~the~~ kiosks.

i. There shall be no more than four (4) kiosks to any application;

ii. An encroachment permit shall be issued for any kiosk proposed in public right-of-way.

iii. Kiosks shall not obstruct the view of the traveling public.

iv. Kiosk signs shall only display and give direction to, the name of a subdivision.

## 8. Menu-Boards

- a. Description: A sign that may be freestanding or wall mounted. A menu-board is for the purpose of placing orders and providing a list of bill of fare of a drive-thru or drive-in restaurant.
- b. Quantity: One (1) per individual business.
- c. Area of Sign: 32 square feet.
- d. Height: Not to exceed six (6) feet.
- e. Location: To be placed within a designated drive-thru lane so as not to be readable from a street or an adjacent property.
- f. Setback: Must be on private property and shall not interfere with flow of traffic or obstruct the vision of a motorist.
- g. Illumination: Shall be internally illuminated provided the menu-board is turned off no later than one (1) hour after business is closed.

## ~~9. Monument/Ground Sign~~

- ~~a. Description: A monolith type, freestanding sign attached to a freestanding masonry wall or supported by structures, supports,~~

~~columns, and/or braces that are concealed by a pole cover or masonry base. The sign may be single or double-faced and shall only consist of the name of the individual business, building or building complex, along with the address of the property.~~

- ~~b. Quantity: One (1) per individual property.~~
- ~~c. Area of Sign: 32 square feet.~~
- ~~d. Height: Not to exceed a maximum of six (6) feet.~~
- ~~e. Location: On private property where the business is located.~~
- ~~f. Setback: A zero (0) foot setback from property line unless otherwise required.~~
- ~~g. Illumination: Halo illumination (white neon or amber LED only), internal illumination, (provided that only the characters emit light) or a combination thereof, provided that the sign is turned off one (1) hour after business is closed.~~

#### 409. Service Station/Fuel Signs

- a. Description: A permanent, two (2) component, freestanding sign, displaying the current fuel prices, fuel types, name of the station and/or any logo's.
- b. Quantity: One (1) per street frontage.
- c. Area of Sign: 32 square feet.
- d. Height: Not to exceed six (6) feet from grade.
- e. Location: On private property on an arterial or collector street only.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: Name of the business along with logo's, shall be internally illuminated. Current fuel prices and fuel types may be internally illuminated or may be electronically illuminated by means of LED, provided the light is low in intensity. Any constant movement, blinking, flashing, or animation caused by an LED is prohibited.

4110. Tenant Directorys

- a. Description: An exterior, wall mounted sign, that lists only the names and locations of those residing within a complex or development and its sole purpose is for pedestrian traffic only. The sign shall consist of a uniform background color and letter styles.
- b. Quantity: Shall be determined and reviewed by the Town. Applicant shall follow the guidelines set forth under a Master Sign Program, Section 28.2.B.
- c. Area of Sign: The sign shall consist of a four (4) square foot panel for the name of the complex. Each business or resident within the complex shall be allowed a maximum two (2) square foot panel.
- d. Height: Should be at eye level for pedestrian traffic and shall not exceed the roofline of a building.
- e. Location: Mounted to a wall at entrance points to the complex, pedestrian walkways, and the like.
- f. Illumination: Sign shall be non-illuminated.

4211. Theater Signs

- a. Description: A freestanding or wall sign with changeable copy panels, used to display the current movies and times that are playing within the theater.
- b. Quantity: One (1) wall sign and (1) freestanding sign allowed.
- c. Area of Sign: 50 square feet for a freestanding sign. 64 square feet for a wall sign.
- d. Height: Eight (8) feet for a freestanding sign. A wall sign shall not extend above the roofline of a building.
- e. Location: A freestanding sign shall be located on private property and a wall sign shall be displayed at the main entrance to the building.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: The sign may be internally illuminated or the copy may be electronically illuminated by means of an LED. The sign

may only display the current listing of movies and their times. No other advertising message is allowed. Any constant movement, blinking, flashing, or animation is strictly prohibited. The sign shall be turned off one (1) hour after closing of theater.

4312. Time and Temperature Signs

- a. Description: An electronically controlled sign providing the current time and temperature.
- b. Quantity: One (1) per premise.
- c. Area of Sign: A time and temperature sign may be a component of a freestanding sign. Wall signs shall not exceed 20 square feet.
- d. Height: Not to exceed the roofline of a building.
- e. Location: Shall not be located within 600 feet of another time and temperature sign, not including an analog mounted on a wall.
- f. Illumination: May be electronically controlled by means of an LED.

4413. Under Canopy Signs

- a. Description: A wall mounted or hanging sign which identifies the name of the business and/or logo. Under canopy signs shall be consistent in color, shape, design, and materials within a sign criteria approved by the Town of Oro Valley. An under canopy sign is to be located entirely under a covered porch, walkway, extended roof or the like and is solely used for pedestrian traffic only.
- b. Quantity: One (1) per tenant space.
- c. Area of Sign: Four (4) square feet.
- d. Height: A minimum clearance of seven (7) feet shall be maintained beneath the sign and shall not extend above a roofline of the building.
- e. Location: The sign shall be in front of the tenant space that it is identifying and shall be suspended from a roof overhang, above a walkway or porch or may be perpendicular to the street and attached to the fascia of the building.

f. Illumination: Shall be non-illuminated.

1514. Wall Signs

- a. Description: Any sign which is fastened, attached, connected, or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground with the exposed face of the sign in a plane parallel to the plane of the wall. A wall sign may consist of individual character letters (pan channel or reverse channel). Individual logos may consist of cabinets with a translucent type face. Wall signs may include the name of the business, a trademarked logo, and modifiers, if needed to further clarify the goods or services available on the premise.
- b. Quantity: No more than two (2) elevations may contain a wall sign. A single tenant who occupies an entire freestanding building may have signs on three elevations. Only two elevations may contain illuminated wall signs.
- c. Area of Sign: For building elevations containing wall signs, a sign may be 24 square feet by right, with no single wall sign containing more than one (1) square foot of sign for each linear foot of building frontage, not to exceed a maximum sign area of 150 square feet. Wall signs for building elevations further than 300 feet from the street, may contain no more than 1<sup>3</sup>/<sub>4</sub> square feet of sign area for each linear foot of frontage, not to exceed a maximum sign area of 200 square feet. Where businesses do not possess individual frontages, each may maintain an individual sign; however, the maximum wall sign square footage shall not be exceeded.
- d. Height: No wall sign shall extend above the roofline of a building.
- e. Location: Shall only be placed on the building elevations or at the main entrance of a business, which the sign identifies, and may not project more than eight (8) inches from the wall on which the sign is mounted.
- f. Illumination: May be non-illuminated, halo illuminated (~~white neon or amber LED~~) or internally illuminated for cabinet type signs. The sign may be turned on at 5 a.m. and shall be turned off one (1) hour at 11 p.m. or after when the business closing of the business es, whichever is later.

1615. Window Signs

- a. Description: Any form of advertisement and/or identification associated with the business that is affixed to the interior or exterior of a window, or one that is placed immediately behind a window so as to inform or attract attention to the public outside of the building and/or tenant space. Window signs shall be divided into three (3) types of signs:
  - i. Business Name/Hours of Operations: Signs shall identify the name of the business along with hours in which the business is open and/or closed for operation.
  - ii. Sign Band: A thin band which stretches the overall length of the windows of a building front and/or tenant space and displays either the name of the business or logo in multiple successions.
  - iii. Display Area: Shall be defined as an area for the purpose of displaying miscellaneous items such as posters, menus, promotional items or the like which pertain to the business itself, in a defined location.

Note: Window displays such as mannequins, three (3) dimensional figures, clothing and the like, which do not contain advertisement, shall not be considered a window type sign as described above.

- b. Quantity: A maximum of one (1) sign type each for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides. Businesses and/or tenants who have a building front in excess of 40 feet shall be allowed one (1) additional "Display Area."

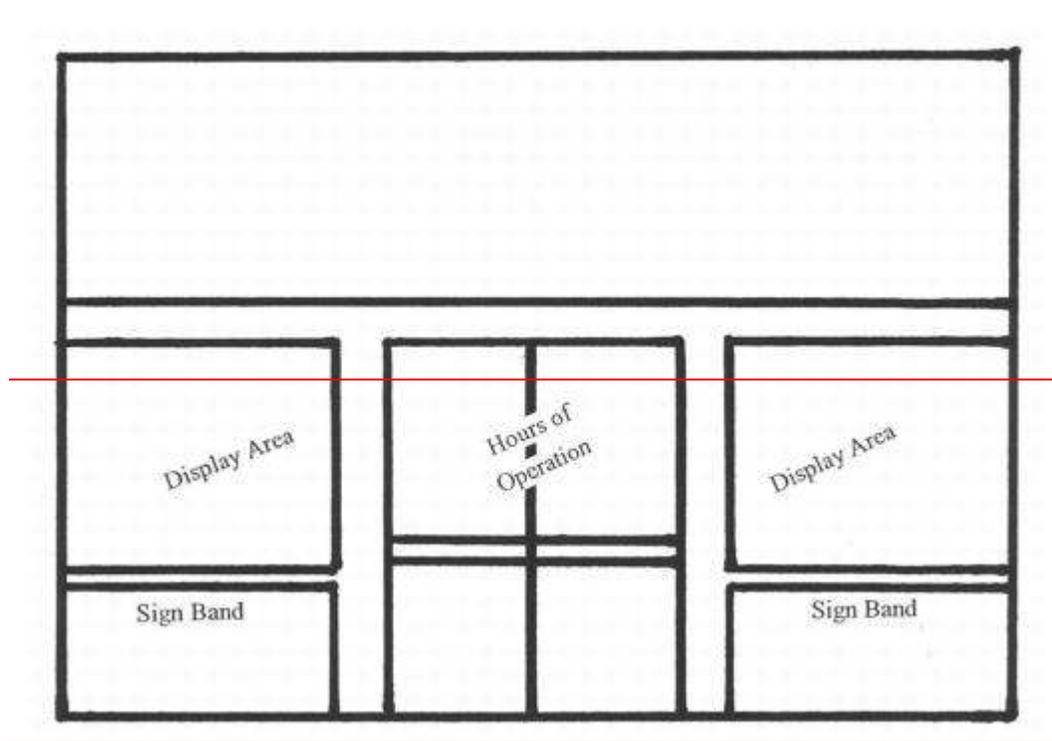
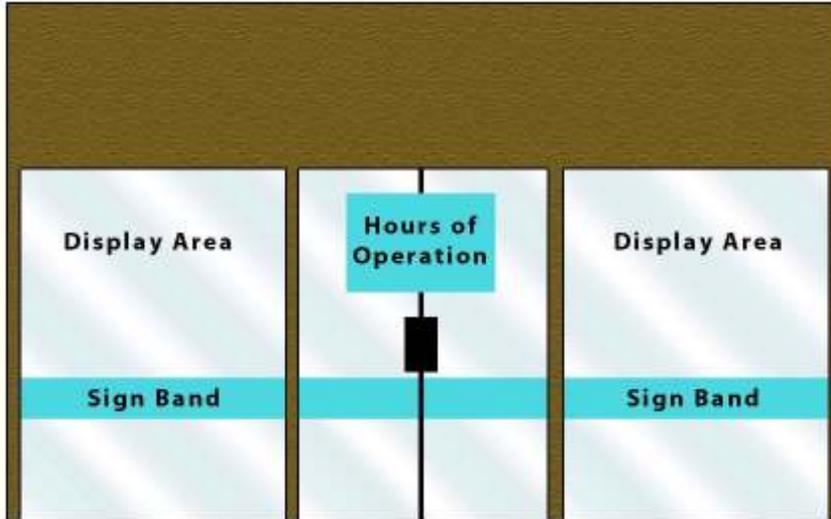
- c. Area of Sign: Each sign type shall be allowed the following:
  - i. "Business Name/Hours of Operation" shall not exceed a maximum of three (3) square feet.
  - ii. A "Sign Band" shall not exceed a maximum of six (6) inches in height by the overall length of the building frontage and/or tenant space.
  - iii. A "Display Area" shall not exceed a maximum of six (6) square feet.

- d. Height: The “Sign Band” shall be placed no higher than half the distance of the overall height of the windows from grade. No height restrictions apply for the other available sign types.
- e. Location: All sign types shall be subject to the following locations:
  - i. The “Business Name/Hours of Operation” shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located within another area that will not interfere with any other sign types, under this provision.
  - ii. The “Sign Band” shall be located across all windows, the full length of the building frontage and/or tenant space.
  - iii. The “Display Area” shall be located on the first immediate window to the right or left of the entrance door. For tenants having a corner space, the “Display Area” shall be located so as to not interfere with visibility pertaining to safety issues or interfere with any other sign types under this provision.
- f. Illumination: All window signs shall contain no illumination except for an open/closed sign.
- g. Additional Requirements: All window signs shall utilize colors that are compatible with the character of the land and/or architecture. Fluorescent or iridescent colors shall not be allowed.

Permits are required for all window signs. Business Name/Hours of Operation and open/closed signs shall be exempt from obtaining a permit. No additional permits will be required to continually change the “Display Area” so long as, the location of the original permitted area did not change. Any off-site advertisement displayed in a window is strictly prohibited unless otherwise specified in this ordinance.

Figure 28.1

Sample Illustration for placement of Window Signs for business or tenant with greater than 40 feet of building frontage.



((O)07-33, Amended, 9/19/07)

**C. Permitted Signs ~~withfor permitted within a~~ in a Residential Zoning District/~~Subdivisions~~**

The following permanent signs shall be allowed within a Residential District.

1. Entryway Signs

Refer to Section 28.5.B.5.

2. Kiosk Signs

Refer to Section 28.5.B.7.

**Section 28.6 Temporary Signs**

**A. Permitted Signs in a Commercial/Industrial District**

The following temporary sign types shall be allowed within a Commercial and/or Industrial District.

1. Banners

- a. Description: Any sign of lightweight fabric or similar material that is temporarily mounted to a pole or building. A banner may be utilized for the purpose of a new ~~“grandbusiness opening,” “~~ or coming soon,” ~~or~~ change of ownership to promote a new business. For Seasonal or Special Event Banner signs, see Sections 28.6.A.7 & 8, below. ~~The words “grand opening” and/or “coming soon,” along with other copy, shall be displayed on the banner, based on the event taking place.~~
- b. Quantity: One (1) banner per street frontage, per business. No more than two (2) banners shall be issued to any one (1) business within one (1) calendar year. ~~For a Special event banner different standards are provided in §§ 7&8 below.~~
- c. Area of Sign: Maximum 64 square feet, or no more than one (1) square foot of sign for each linear foot of building frontage, whichever is less. For tenants that are further than 300 feet from the street, the banner may contain no more than 1¾ square feet of sign area for each linear foot of building frontage. Any tenant may have a 24 square foot banner by right.
- d. Height: Not to exceed the roofline of a building.
- e. Location: Must be installed on the site and/or tenant space in which the event is taking place. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that

the banner shall not fold over and shall be taut. The banner may be located inside the tenant space.

- f. Duration: Banners are good for a period of 30 days. One (1) extension for an additional 30 days may be granted by the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager, due to extenuating circumstances. A written request must be submitted prior to the first 30 days expiring. No more than one (1) extension may be granted in a calendar year.
- g. Additional Requirements: A banner must be removed immediately after 30 days or it must be removed if permanent signage has been installed prior to the expiration on a “coming soon” banner. A banner shall be securely anchored to the wall of the business. No banner is allowed to be hung from any freestanding sign structure, utility pole, or the like.

## 2. Construction Signs

- a. Description: A construction sign shall contain the name of the architects, engineers, contractors, or similar artisans, as well as, the owners, financial supporters and similar individuals or firms that are associated with the project.
- b. Quantity: One (1) per street frontage. No one (1) development may have more than one (1) construction sign or development sign on a single street frontage.
- c. Area of Sign: Maximum 32 square feet.
- d. Height: Not to exceed eight (8) feet from grade.
- e. Location: On the property that is being developed.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Removal: All signs must be removed upon the completion of 95 percent of the development.

## 3. Development Signs

- a. Description: A development sign shall identify the name of the Development in progress or one in prospect. The sign shall contain the name of the Development along with the words “coming soon.”
- b. Quantity: One (1) per street frontage. No one (1) development may have more than one (1) development sign or construction sign on a single street frontage.

- c. Area of Sign: Maximum 32 square feet.
- d. Height: Not to exceed eight (8) feet.
- e. Location: On the property that it is identifying.
- f. Setback: A zero (0) foot setback from proper line unless otherwise required.
- g. Removal: Sign must be removed when permanent signage has been installed on the site or when the project has been completed, whichever comes first.

#### 4. Flags

- a. Description: Any flag containing distinctive colors, patterns, or symbols, used as a symbol of government or a political entity. All National and State flags shall be allowed within a commercial, industrial or residential district.
- b. Quantity: ~~One~~ Two (2) flag poles per development and/or individual property.
- c. Area of Flag: The length of the flag shall be no greater than 1/4<sup>o</sup> the height of the flag pole.
- d. Height: No greater than 1.25 times the height of the nearest adjacent building.
- e. Location: On private property.
- f. Setback: to be located accordingly so that the flag does not overhang public right-of-way.
- g. Additional Requirements: A permit for the flag pole shall be obtained through the Building Department and a site plan shall be submitted to the Zoning Department for review of location and setbacks. Any flags used for the purpose of advertising or attention to advertising, is strictly prohibited unless otherwise specified by this ordinance.

## 5. Real Estate, Lease, Rent and For Sale Signs

- a. Description: Any sign pertaining to the sale, rent, or lease of the premise or portion of a premise. The sign may be freestanding or wall mounted, single, and/or double-faced.
- b. Quantity: One (1) sign per street frontage.
- c. Area of Sign: Maximum 1632 square feet.
- d. Height: ~~Not to exceed five (5) feet above grade. The height may be increased up to ten (10) feet by the Senior Zoning Inspector, if warranted.~~ Not to exceed eight (8) feet from grade
- e. Location: Upon the property that is being sold, rented or leased.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Removal: Must be removed within seven (7) days upon the sale, rent, or lease of the property.

## 6. Seasonal Signs

- a. Description: Seasonal signs may include decorations, holiday lights, garland, or the like and are oriented toward a holiday type event. Holiday banners are allowed provided they are approved under a Special Use permit. Seasonal signs and decorations shall be displayed temporarily for traditionally accepted civic, patriotic, or religious holidays.
- b. Location: On private property and shall not be displayed in such a manner as to constitute a traffic hazard.
- c. Removal: All decorations and/or signs must be removed 10 days after the subject holiday.
- d. Additional Requirements: All signage related to the event must obtain a permit under this ordinance. Any other style decoration shall not require a permit and shall be exempt.

7. Seasonal or Special Event Banners\_Signs

a. Description: A special event sign shall be used to advertise a ~~holiday sale and/or special event, including civic, public, religious, seasonal, philanthropic, or edor special~~ educational events. Banners may be permitted for schools and/or religious institutions Such signs shall be permitted in any zoning district. ~~Such signs are permitted in any zone and are not to be used for Model Home Sales.~~

b. Quantity: One (1) freestanding sign per street frontage and/or one (1) wall sign. One (1) business is allowed to have a maximum of 4 permits, per calendar year.

~~, with each permit not exceeding 30 days.~~

c. Area of Sign: Maximum 16 square feet for a freestanding style sign. Maximum 24 square feet for a wall sign.

d. Height: Not to exceed 5 feet from grade for a freestanding sign. Wall signs shall not exceed the roofline of a building.

e. Location: On private property and located where the event is taking place and/or the merchandise is being sold. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that the banner shall not fold over and shall be taut.

f. Setback: A zero foot setback from property line unless otherwise required.

g. Duration: Each permit shall not exceed 30 days.

~~g. Removal: Shall not exceed the event advertised by more than 3 weeks, and all signs shall be removed within 48 hours after the event.~~

H8. Temporary Sign on Day of the Event Three Day Special Event Banners-Sign

a. Description: An additional banner may be permitted on the day of a seasonal or special event. The banner shall not be used to advertise any event that exceeds three (3) days in duration.

b. Quantity: One per street frontage. Not to exceed four (4) permits per calendar year.

c. Area of Sign: 64 square feet maximum

d. Height: Not to exceed 5 feet from grade for a freestanding sign. Wall signs shall not exceed the roofline of a building.

e. Location: On private property and located where the event is taking place and/or the merchandise is being sold. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that the banner shall not fold over and shall be taut.

f. Setback: A zero foot setback from property line unless otherwise required.

## B. Permitted Signs in a Residential/~~Subdivision~~ Zoning District

The following temporary signs shall be allowed within a residential and/or subdivision district.

### 1. ~~1.~~ Flags

a. Description: Any flag containing distinctive colors, patterns, or symbols, used as a symbol of government or a political entity. All National and State flags shall be allowed within a commercial, industrial or residential district.

b. Quantity: One (1) flag pole per development and/or individual property.

c. Area of Flag: The length of the flag shall be no greater than 1/4 the height of the flag pole.

d. Height: No greater than 1.25 times the height of the nearest adjacent building.

e. Location: On private property.

f. Setback: ~~It~~To be located accordingly so that the flag does not overhang public right-of-way.

g. Additional Requirements: A permit for the flag pole shall be obtained through the ~~Building Department~~Development and Infrastructure Services Department along with ~~and a site plan shall be submitted to the Zoning Department~~ for review of location and setbacks. Any flags used for the purpose of advertising or attention to advertising, is strictly prohibited unless otherwise specified by this ordinance.

~~Refer to Section 28.6.B.4.~~

## 2. Model Home Banners

- a. Description: Banners for a Model Home Complex shall be utilized for the sole purpose of a special sales event or to identify a new model home.
- b. Quantity: One (1) banner per model home complex.
- c. Area of Banner: Maximum 32 square feet.
- d. Height: A banner attached to the model home complex shall not extend above the roofline. A freestanding banner shall not exceed five (5) feet from grade.
- e. Location: Shall be on private property where the model home complex is located. The banner may be wall mounted or freestanding.
- f. Setback: A zero (0) foot setback from property line for a freestanding style banner unless otherwise specified.
- g. Duration: The banner shall be mounted only on Saturdays and Sundays (104 days). The banner may be permitted an additional 16 days for the purpose of opening the model home center.
- gh. Removal: Placement or erection of the banner shall not precede the event advertised by more than one (1) day and all signs must be removed within one (1) day after the event.

## 3. Model Home Complex, Custom Home Lot Sales Office Signs

The purpose of the Model Home Complex/Custom Home Lot Sales Office Signs is to provide specific guidelines for the size, number, and location of on-site signs. Such signs shall identify and give direction to individual model home complexes or custom home lot sales offices.

The following types of signs are permitted for Model Home Complexes or Custom Home Lot Sales Offices:

- a. On-Site Signs
  - i. Description: Developer, Contractor and/or Sub-Contractor ID signs, subject to the standards of Section 28.6.A.4. Individual Model Units may have a single model identification sign and/or an informational sign may be provided for the model home complex or custom home lot sales office. A single parking lot directional sign may be included to direct people to available parking at, or near the model home/custom home sales office.

- ii. Quantity: One (1) identification sign for Model Home Units, One (1) informational sign for Model Home Complex/Custom Home lot Sales Office and one (1) parking lot directional sign. (Signs may be freestanding, wall mounted or integrated into an awning type structure.)
- iii. Area of Signs: Individual Model units shall be four (4) square feet. Model Home Complex/Custom Home Lot Sales Office signs shall be 16 square feet and a parking lot directional sign shall not exceed a maximum of six (6) square feet.
- iv. Height: Individual Model Units not to exceed three (3) feet, Model Home Complex/Custom Home Lot Sales Office not to exceed five (5) feet and the parking directional sign not to exceed a maximum of three (3) feet from grade.
- v. Location: Within the Model Home Complex/Custom Home Lot Sales Office and shall be located so as to not interfere with the flow of traffic or within a sight visibility triangle. The parking directional sign shall be located at the driveway entrance to the designated parking area.
- vi. Removal: All signs must be removed upon the completion of 95 percent of the development and/or subdivision within seven (7) days after the closing of the sales office or model home office.

b. ~~Minor~~ Off-Site Signs (interior and exterior to the subdivision)

The following off-site signs are allowed interior to a subdivision:

- i. Description: Signs which direct traffic to the Model Home Complex or Custom Home Lot Sales Office.
- ii. Quantity: The number of signs allowed is based on the number of intersections or change of direction on subdivision streets, as approved and deemed necessary by the ~~Senior Zoning Inspector~~ Planning Manager Planning Division Manager.
- iii. Area of Sign: Maximum size allowed is 1.5 feet x 2.0 feet (3.0 square feet).
- iv. Height: Maximum allowable height shall not exceed 3.0 feet from grade.
- v. Location: An interior, off-site sign shall be located along streets within the subdivision being developed. Such signs shall be located only at each intersection or each change of

direction on subdivision streets and shall be located on private property with the permission of the owner of that property.

- vi. Setback: A zero (0) foot setback from the property line unless otherwise required.
- vii. Removal: All signs shall be removed within seven (7) days of ~~upon~~ the closure of the sales office or model home office. ~~completion of 95 percent of the subdivision or development.~~

The following off-site signs are allowed exterior to the subdivision.

- viii. Description: Signs which direct traffic to the Model Home Complex Custom Home Lot Sales Office.
- ix. Quantity: One (1) exterior directional sign is allowed. The ~~Senior Zoning Inspector~~ Planning Manager Planning Division Manager ~~\_~~ may approve a second exterior directional sign if necessary.
- x. Area of Sign: Maximum size allowed is 2.0 feet x 3.0 feet (6.0 square feet).
- xi. Height: Maximum allowable height shall not exceed four (4) feet from grade.

- xii. ~~xii.~~ Location:
  - a. An exterior, off-site sign shall not be located:
    - i. ~~located at the placed~~ ~~W~~ within a median,
    - ii. ~~in~~ any area that may cause or create a traffic hazard, on a sidewalk, multi-use path or pedestrian access ramp, or
    - iii. Where it obscures any sight distances and must maintain the required "Clear Zone" as approved by the Town Engineer.
  - b. When located in the public right-of-way, ~~s~~Signs shall be placed as follows or as directed by the Town Engineer:
    - i. For all major arterial and collector streets with a posted speed limit greater than 25 mph:

- 1. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of ten (10) feet from the paved surface of the roadway.

— Closer placement to the pavement will require pre-approval by the Town Engineer and is based on sign construction type. ~~No~~ “A” frame type ~~style~~ signs are not ~~will~~ be eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.

- ii. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no closer to the street than the edge of said walk/path that is farthest from the street unless there is adequate distance between the street and walk/path to maintain a ten (10) foot setback from the edge of roadway pavement.
- iii. Sign placement between the sidewalk/multi-use path and the curb line that cannot maintain a ten (10) foot street setback will require pre-approval by the Town Engineer and is based on sign construction type. ~~No~~ “A” frame style signs are not ~~will be~~ eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.

- iv. For all other local streets with a posted speed limit of 25mph or less:
  - 1. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of five (5) feet from the paved surface of the roadway.

2. Closer placement to the pavement will require pre-approval by the Town Engineer and is based on site conditions.
3. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no closer to the street than the edge of said walk/path that is farthest from the street.
4. Placement between the sidewalk/multi-use path and the curb line will require pre-approval by the Town Engineer and is based on site conditions.
- v. No signs may be placed on Oracle Road or the eastern portion of Tangerine Road up to 1000 feet west of the intersection of Rancho Vistoso Boulevard and 1<sup>st</sup> Avenue without approval from the Arizona Department of Transportation.

~~xii. —~~

~~intersection of an Arterial Roadway and subdivision street, as long as no other Town approved kiosk sign exists. The sign must be located on private property with the permission of the owner of the premise.~~

xiii. Setback: A zero (0) foot setback from property line unless otherwise required.

xiv. Removal: All signs shall be removed within seven (7) days after the closing of the sales office or model home office. ~~upon the completion of 95 percent of the subdivision or development.~~

#### 4. Model Home Flags

- a. Description: Individual flags, attached to individual, freestanding poles that may be multi-colored and/or contain the corporate logo for a Model Home Complex Sales Office.
- b. Quantity: A maximum of four (4) poles/flags are allowed.
- c. Area of Flag: Not to exceed 15 square feet.
- d. Height: The flag poles shall not exceed 20 feet from grade.
- e. Location: At the main drive of the parking lot to identify the vehicular entrance to the Model Home sales Office.
- f. Setback: Minimum five (5) feet from the property line.

~~g. Additional Requirements: Flag poles shall obtain a permit from the building department and no flag is allowed to be illuminated.~~

hg. Removal: All flags and flag poles must be removed within seven (7) days after the closing of the sales office or model home office.

h. Additional Requirements: Flag poles shall obtain a permit from the building department and no flag is allowed to be illuminated.

## 5. On-Site Subdivision Signs

a. Description: The sign shall identify a development in progress, including the name of the development and/or subdivision, the name and phone number of the developer or agent, price range of units to be available and information essential to contacting the developer or agent. All agencies or firms desiring to be identified shall be displayed on the same sign, such as the developer, engineer, architects, or firms providing financing, principal contracting firms, residential type, and number of units available.

b. Quantity: One (1) freestanding sign per subdivision. The ~~Senior Zoning Inspector~~Planning Manager Planning Division Manager may approve a second on-site subdivision sign if deemed necessary.

c. Area of Sign: Maximum 40 square feet.

d. Height: Not to exceed a maximum of ten (10) feet from grade. The height may be increased to a maximum of 12 feet should a wall or fence obstruct visibility of the sign. Such an increase will warrant a review by the ~~Senior Zoning Inspector~~Planning Manager Planning Division Manager for compliance.

e. Location: Must be located at the intersection of an arterial roadway and subdivision street and on private property with the permission from the owner of the premise.

f. Setback: A zero (0) foot setback from property line unless otherwise required.

g. Removal: Any sign that lists an individual developer, contractor and/or sub-contractor, must be removed upon completion of 95 percent of the subdivision or development within seven (7) days after the sale and closing of 100 percent of the lots within the subdivision, development or 180 days after the closure of the sales office, whichever comes sooner.

6. Real Estate, Lease, Rent, and For Sale Signs ~~(including off-premise open house directional signs for re-sale homes)~~

a. On-Site Signs:

- i. Description: Signs to advertise existing individual single-family residences for sale, lease, or rent. The sign may be a single or double-faced, freestanding sign.
- ii. Quantity: One (1) for each street frontage which abuts the property.
- iii. Area of Sign: ~~Four (4)~~Six (6) square feet including all riders/hanging modifiers as commonly used within the industry.



- iv. Height: A maximum of ~~five (5)~~six (6) feet from grade. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager ~~\_~~ may approve heights up to ten (10) feet, if warranted.
- v. Location: Only on the site of the dwelling offered for sale, lease, or rent.
- vi. Setback: A zero (0) foot setback unless otherwise required.
- vii. Removal: Within seven (7) days upon the sale, lease, or rent of the property.

~~b. Off-Site Signs:~~

- ~~i. Description: Used only to advertise an open house event, for a re-sale home being offered for re-sale, lease, or rent. The purpose and intent of the off site signs, is to direct the public to the re-sale of individual homes, and shall not be applied to~~

~~model homes. The signs may be freestanding, single, or double faced.~~

~~ii. Quantity: Based on the number of each major change of direction.~~

~~iii. Area of Sign: A maximum of four (4) square feet.~~

~~iv. Height: Not to exceed 30 inches.~~

~~v. Location: Off site, open house signs may be located at each major change of direction and shall follow regulations set forth in Section 28.7.A.2, Annual or 120 Consecutive Day Right Of-Way Permit. Different owners or realtors may place one (1) sign each at the same corner.~~

~~vi. Setback: Signs must be placed a minimum of one (1) foot from any private property line.~~

~~vii. Removal: All signs are to be removed immediately after the open house event.~~

## **Section 28.7 Temporary Signs on Public Property**

### **A. Permitted Temporary Signs on Public Property**

#### **1. ~~Temporary Sign Zones~~ Non-Commercial Temporary Signs**

- a. Description: ~~A temporary sign not permanently installed in the ground or attached to a building.~~ A temporary sign not intended for commercial purposes, such as a campaign sign, and not permanently installed in the ground or attached to a building.
- b. Quantity: No more than one (1) single or double-faced sign per temporary sign zone is allowed.
- c. Area of Sign: The area of the sign shall not exceed a maximum of nine (9) square feet within a Temporary Sign Zone or if placed with the appropriate right-of-way permit shall not exceed a maximum of four (4) square feet.
- d. Height: Not to exceed a maximum of three (3) feet, six (6) inches from grade within Temporary Sign Zones or 30 inches if placed with an authorized right-of-way permit.
- e. Location: An officially designated area as identified on the Temporary Sign Zone Map for the installation of non-commercial, temporary signs.

- i. Within the Public Right-Of-Way: Zones of three hundred (300) to five hundred (500) square feet in size, and, in the event that the zones are established at an intersection, no more than two (2) zones may be located at or near the intersection.
  - ii. Within the Town Hall Complex: such zone shall be no greater than 200 square feet. Moreover, Temporary Sign Zones shall not be located within 150 feet of any entrance to the Town Hall Complex.
  - iii. At or Near Town Parks: Temporary Sign Zones shall not be located within 150 feet of any entrance to Town Parks.
- f. Additional Requirement: All Commercial signage within a temporary sign zone shall be prohibited.

2. ~~Annual or 120 Consecutive Day~~ Off-site Real Estate Signs Only Right Of Way Permit

a. Description: Temporary signs located off-site providing direction to a dwelling for sale or rent., ~~which may be located in the Town's right-of-way, require with an approved right-of-way permit from the Town Engineer.~~

b. Quantity: ~~Unlimited number of uses. No individual sign permit for such signs will be required. No more than one sign per change of road direction~~

c. Area of Sign: Shall not exceed a maximum of four (4) square feet.

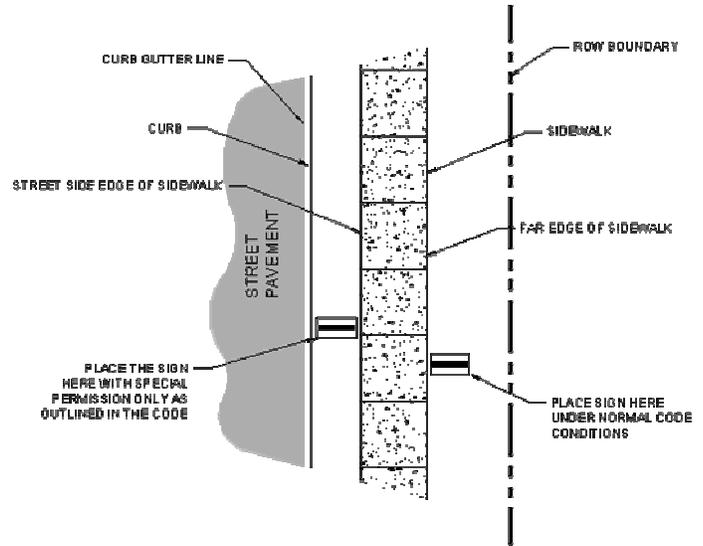
d. Height: The sign shall not exceed 30 inches in height

e. Location

- i. An off-site real estate sign shall not be located:
  - a. Within a median,
  - b. In any area that may cause or create a traffic hazard, on a sidewalk, multi-use path or pedestrian access ramp, or,
  - c. Where it obscures any sight distances and must maintain the required "Clear Zone" as approved by the Town Engineer.

ii. When located in the public right-of-way, signs shall be placed as follows or as directed by the Town Engineer:

- a. For all major arterial and collector streets with a posted speed limit greater than 25mph:
  - i. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of ten (10) feet from the paved surface of the roadway.
  - ii. Closer placement to the pavement will require pre-approval by the Town Engineer and is based on sign construction type. "A" frame type signs are ~~will~~ not ~~be~~ eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.
- b. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no closer to the street than the ~~far~~ edge of said walk/path farthest from the street ~~unless there is adequate distance between the street and walk/path to maintain a ten (10) foot setback from the edge of roadway pavement.~~
- c. ~~Sign~~ placement between the sidewalk/multi-use path and the curb line ~~that cannot maintain a ten (10) foot street setback~~ will require pre-approval by the Town Engineer and is based on sign construction type. ~~No~~ "A" frame style signs are ~~will~~ not ~~be~~ eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.



d. For all other local streets with a posted speed limit of 25mph or less:

i. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of five (5) feet from the paved surface of the roadway.

ii. Closer placement to the pavement will require pre-approval by the Town Engineer and is based on site conditions.

iii. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no closer to the street than the edge of said walk/path farthest from the street.

iv. Placement between the sidewalk/multi-use path and the curb line will require pre-approval by the Town Engineer and is based on site conditions.

e. No signs may be placed on Oracle Road or the eastern portion of Tangerine Road up to 1000 feet west of the intersection of Rancho Vistoso Boulevard and 1<sup>st</sup> Avenue without approval from the Arizona Department of Transportation.

~~Signs shall be placed a minimum of ten (10) feet from the paved surface of the roadway. No sign shall be placed within a median, in any area that may cause or create a traffic hazard, on a sidewalk or pedestrian access ramp, obscure any site distances and must~~

~~maintain the required "Clear Zone" as approved by the Town Engineer.~~

~~f.~~ Duration: Signs shall ~~be~~ only be displayed during the hours of 7:00 a.m. to 7:00 p.m..

~~g.~~ g. Additional Requirements: All commercial signage shall be prohibited unless otherwise specified within this Chapter. In addition, all right-of-way permits are subject to blue stake requirements for any sign that penetrates the ground. ~~Any sign that would require installation by the Public Works DepartmentPublic Works Engineer DivisionTown Engineer is also subject to installation fees.~~ Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage or appurtenances. Any damage to public and/or private property caused by signs placed within the right-of-way shall be the sole responsibility of the owner of the sign.

### 3- Special Event Signs on Public Property

- a. Description: A temporary sign which may be located within the Town's right-of-way with an approved right-of-way permit from the ~~Public Works DepartmentPublic Works Engineer Division~~Town Engineer. The signs may publicize civic, public, religious, arts, philanthropic or educational events that are sponsored or sanctioned by the Town of Oro Valley. Each application is subject to approval and interpretation by the Town Manager and/or designee in regards to the type of event being held.
- b. Quantity: Four (4) event signs maximum for any one event.
- c. Area of Sign: A maximum of 16 square feet per sign.
- d. Height: Shall not exceed five (5) feet from grade to top of sign.
- e. Location: No sign may be placed within a median or in any area that may cause or create a traffic hazard.
- f. Duration: The sign may be installed two (2) weeks prior to the event and must be removed within 48 hours after the event.
- g. Additional Requirements: Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage or appurtenances. All signs, which penetrate the ground, are subject to Blue Stake requirements and installation fees by the ~~Public Works DepartmentPublic Works Engineer Division~~Town Engineer.

#### 4.- Sign Walker/Human Signs

- a. Description/Definition: A commercial sign that is held, worn or balanced by an individual.
- b. Quantity: No more than two (2) human signs permitted per business/organization.

c. Area of Sign: Maximum of twenty (20) square feet and a minimum of four (4) square feet. The sign is measured by multiplying the overall width and overall length of the sign.

d. Location: No human or freestanding sign shall be held within a median or in the intersection sight triangle in a manner that obstructs the required clear space view for drivers and cyclists. Human signs:

- i. Are prohibited within construction zones;
- ii. Shall be held relatively still at all times;
- iii. No more than two (2) human signs per street corner;
- iv. May not be located within twenty (20) feet of another human sign;
- v. Must be located not farther than the nearest arterial roadway intersection from the business advertised by the sign.

e. Setback: Signs shall be held a minimum of ten (10) feet from the paved surface of a roadway.

f. Duration: Signs may be displayed during the hours of 8:00 a.m. to 5:00 p.m.

~~f. Setback: Signs shall be held a minimum of ten (10) feet from the paved surface of a roadway.~~

g. ~~Permit~~Additional Requirements: A permit is required. The permit shall be a three (3) day right-of-way (R.O.W.) permit with a price as specified in the current development fee schedule. Only one (1) permit shall be allowed within a ninety (90) day period.

~~h. Additional Requirements: Permit is required.~~

i. Sign walkers for non-commercial purposes are exempt from this subsection A.4.

((O)09-07, Amended, 5/20/09; (O)08-25, Amended, 12/17/08)

## Section 28.8 Public and Quasi-Public Signs

### A. Permitted Temporary Signs

1. Description: Bulletin boards or announcement signs, along with special event type signs shall be allowed for religious institutions, schools, community centers and any other public or institutional buildings within a commercial and/or residential district. Signs may be freestanding and/or wall mounted, made of paper, cardboard, plastic, or fabric. All copy, color, and design shall not adversely affect the order, amenity, or residential enjoyment of the neighborhood.
2. Quantity: Each institution is allowed one (1) wall sign and (1) bulletin board per street frontage. Each institution may also apply for one (1) wall and one (1) freestanding, special event sign per street frontage.
3. Area of Sign: A religious institution wall sign shall not exceed 30 square feet. A religious institution bulletin board shall not exceed 24 square feet. Other public institution signs shall be allowed a wall sign at 30 square feet and a bulletin board at 24 square feet. All institutions applying for a special event sign shall not exceed 30 square feet.
4. Height: All wall signs shall not exceed the roofline of a building. All ground/freestanding signs shall not exceed eight (8) feet from grade. All special event signs shall not exceed a maximum height of six (6) feet from grade.
5. Location: All signs shall be placed on private property. Special event signs shall be located on the premise of the institution or organization having the event.
6. Setback: All signs may have a zero (0) foot setback from property line unless otherwise specified.
7. Removal: Any signs announcing any temporary event shall be removed within one (1) day after the event is completed.
- 7.8. Additional Requirements: Any sign may be single or double-faced. No sign shall be allowed to illuminate. All signs shall be soundly constructed and neat in appearance. Upon application for a special event sign, the applicant shall submit a statement and diagram noting the nature of the special event and shall indicate the location, size, copy, and colors of the proposed sign. A permit for a special event sign shall be valid for no more than two (2) weeks. No more than three (3) permits shall be issued to any institution or organization in a calendar year.

~~8. Removal: Any signs announcing any temporary event shall be removed within one (1) day after the event is completed.~~

((O)07-33, Amended, 9/19/07)

## **Section 28.9 Prohibited Signs**

### **A. Prohibited Permanent and Temporary Signs**

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and shall be deemed prohibited unless otherwise specified within this Chapter.

1. Balloon signs, balloons;
2. Billboards;
3. Electronic message centers;
4. Exposed neon sign;
5. Flashing lights;
6. Garage sale signs;
7. Marquee signs;
8. Moving/animated signs;
9. Obscene signs;
10. Off-site advertising on public property;
11. Off-site signs;
12. Portable signs (A-frame, sandwich board, etc.);
13. Posters that do not advertise or refer to the business;
14. Projecting signs;
15. Roof signs;
16. Search lights;
17. Signs attached to any physical public property;
18. Signs in the median;

19. Vehicle signs;

20. Pennant Signs;

~~210. Any sign greater than nine (9) square feet or taller than three (3) feet overall height.~~

((O)08-25, Amended, 12/17/08)

## **Section 28.10 Exempted Signs**

### **A. Code Limitations**

1. Nothing contained herein shall prevent the erection, construction and maintenance of the following:
  - a. Official traffic, street identification, or roadway improvement signs.
  - b. Fire or police signs, signals, or devices to alert the public of safety hazards.
  - c. Markings of the State of Arizona and/or Town of Oro Valley or other competent public authority.
  - d. Official notices as required by law.

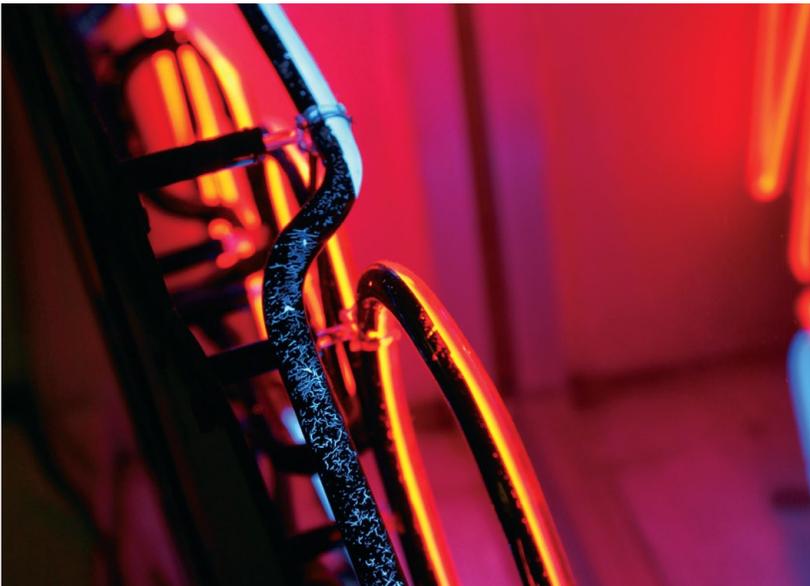
### **B. Exempted Permanent and Temporary Signs**

1. The following signs shall be exempt from the application and permit regulations of this ordinance, although an electrical or building permit may be required:
  - a. Address Identification Signs: Signs which display numerals, street names, drives, circles, or the like, which give direction to residents, buildings, complexes, apartments, commercial sites, tenants spaces or the like.
  - b. Governmental Signs: Identification for public agencies such as traffic, public transit, public information, and the like.
  - c. Historical Marker: A sign locating and identifying a historical interest or site.
  - d. Informational/Service Sign: Signs which may include official notices of court or public office and legal notices posted for Town meetings, as well as, signs located on pumps at a service station.
  - e. Interior Signs: Signs which are displayed within a concealed area, such as a tenant space or building and cannot be seen exterior to the public.

- f. Memorial Sign: A sign, table, or plaque memorializing a person, event, or site.
- g. Non-Commercial Signs on private property: Signs that are not related to business or commerce and that are no more than 9 square feet in area and no more than 3 feet in height.
- h. Repainting/Resurfacing of Signs: Maintenance of signage, such as repainting or resurfacing shall not require any permits as long as the sign is in no way altered, changed, or modified from its previous state.
- i. Residential Signs: Name and address of occupants.
- j. Temporary Signs on Public Property: Per Section 28.7.A.1 and Section 28.9.A.21.
- k. Traffic Sign: A sign used solely to define and streamline the flow of vehicular or pedestrian traffic so as to minimize congestion and promote safety.
- l. Warning Signs: Warning and instructional signs such as “No Trespassing” shall be exempt from permits. Said signs shall not be installed on utility poles or the like.



# Oro Valley Commercial Sign Survey



February 2010

## **Background**

Efforts to examine the Town's current sign ordinances began more than a year ago, but were further inspired in the summer with several outreach meetings with the business community who came to the Town to request considerations due to the poor economic conditions. After reviewing the matter, Town Council decided that, rather than consider changes to certain sections of the sign ordinance, it would be prudent to review the entire commercial sign code—which was developed more than 10 years ago—to see if there were opportunities to bring the code up to date with Oro Valley's business climate today.

In November 2009, the Council approved a scope of work that will involve the formation of a Task Force of residents, business representatives, staff and our local Chamber to review the current sign code and make recommendations for possible changes and updates.

To begin that review, staff wanted to garner some baseline information regarding public and business attitudes with regard to commercial signage in Oro Valley. Town staff developed an informal community survey measuring use of signs by both segments; attitudes regarding certain types of signage; and overall experience in meeting the Town's sign code.

## **Methodology**

Staff developed two online surveys, one for the resident population and one for the business community. The surveys were available on the Town's website, on the Planning & Zoning page. There was a link from the Town's home page. The program used to administer the survey as a module provided by the Town's Content Management System (CMS).

Both surveys used a mix of multiple choice, ratings and true/false questions. The surveys also provided ample opportunity for open comments. An honor system directed which survey was completed by each target group, and demographic information was requested.

The **Resident Survey** questions:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

The **Business Survey** questions

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in Oro Valley, etc.

We launched the surveys through the local media and the Northern Pima County Chamber of Commerce a week prior to its going live, and it ran from October 19 – November 6, 2009. Although there were fears of “stuffing the ballot box,” with an estimated 350 responses to the general public survey and 80 responses to the business survey, we did not find this to be the case.

## **Summary of Findings**

A copy of the questions that were included in both surveys may be found in Appendix 1.

### **General Public Survey**

Questions targeting respondents from the general public:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

**Overall, use of signs to locate a business ranked in the top three by respondents, with online/internet searching number one.** This suggests that respondents may use the internet to find a local business that provides the product or service they are looking for, but they rely on signage to help when they are physically going to the location. Follow up questions reinforced this as a large percentage (69%) said the size and readability of signs and familiar names (74%) were important to them. Furthermore, less than 50% of respondents said they often remember a business or service later after seeing a sign at night, again further suggesting that for at least this series of questions, respondents are generally using signage to locate a business once they have made the decision to go there.

**In looking at illumination hours for signs, there was overwhelming support for either turning off the signs at the close of business, or by 10 p.m.** Closely following the 10 p.m. preference was support for all-night illumination.

**Regarding the use of A-frame signs, the respondents overwhelmingly stated they did not like the use of A-frame/sandwich boards (54%).** This suggests that, while A-frames may want to remain in the discussion, other factors clearly play a part in the public’s identification of businesses.

### **General Public Survey Demographics**

- Oro Valley resident: 91%
- Age group: 75% were aged 50 years or older
- Gender: The majority were male (55%)

### **Business Survey Questions**

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in OV, etc.

**Similar to the General Public survey, businesses were asked to identify from a list all of the tools they use to promote their business. Signage received the highest responses, followed closely by the internet, with advertising and the phonebook virtually tied for third place.** This is virtually exactly the same answer from the general public, suggesting that the reliance on both sides for business signage is an important component of the community conversation moving forward. Similar correlations were found when we asked for more detail on the types of signs used, with building signage/lettering and illuminated signs receiving the highest response from businesses.

Several questions arise when we look at the responses to the size of signs. **There is a virtually no difference between those businesses who are satisfied with their sign and those who feel it is too small (46 & 45% respectively).** While this indicates there may be room for negotiation and change here, it is also important to dig further to determine if these are PAD standards in play, and what percentage of businesses who responded are in a master sign program, for example. That there is no clear majority one way or the other does indicate that further discussion is warranted.

**With respect to use of banner signs, an overwhelming number of businesses said they would like to use banners to promote their business and that the current sign code for banner use is too restrictive.** This indicates there may be some opportunity to discuss how the Town can support businesses by working to allow banners to have a greater impact with the use of banners.

**Illuminated signs saw similar results that were seen from the General Public respondents that the same options were in the top three for preferences:** illuminated signs on all night (44%); turned off by 10 p.m. (24%); and turned off by midnight (21%), which was not seen in the other responses. This indicates there is much room for compromise in that both groups felt that turning signs off by 10 p.m. would be acceptable.

**With respect to A-frames, businesses were in direct opposition to the general public's views on the use of A-frames.** This reflects a gap in businesses supporting the argument that A-frames increase business traffic, as the majority of consumers who responded to the survey do not reflect that. This can be an area for further study by the task group.

A series of questions examined the service levels by the Town in several areas, including business experience with:

- Review and approval timing
- DRB Review (where applicable)
- Staff response time

**In all three areas, there was a high “No Response” rate.** This can be due to the fact that many businesses engage consultants and other vendors to handle their sign design and review processes, and so the business owners simply do not have direct experience with the process.

With that in mind, **Review and Approval received an overall satisfactory or greater rating of 35%, with more than half (52%) indicating they thought the timing was either “poor” or “very poor.”** Although there was an opportunity for respondents to add additional comments, few indicated anything other than the process “took too long” or “was cumbersome.” The details of what caused this perception were not included. It is recommended that the task force examine timing considerations of the sign approval process as part of the focus group process.

**Only 25% indicated they were happy with the DRB Review, with 43% giving no response here.** Of those indicating they did have to go through the DRB, 32% found the experience “poor” or “very poor,” indicating that it took too long.

**Finally, staff response time received the highest rating of “satisfactory” or “excellent” at more than 51%,** with 18% not responding and 31% ranking their experience as “poor” or “very poor.”

This section indicates there are several customer focus areas that can be improved, which can include both the time the process takes, and staff education and communication with the business community to help set expectations.

### **Business Demographics**

Types of business (may not add up to 100% as not all businesses answered)

- Health/Beauty
- Nonprofit
- General office/service
- Banking/Financial
- Medical office
- Restaurant
- Retail

#### Years in business

- Less than 1 – 5 years: 51%
- 6 – 20 years: 44%

#### No. of employees

- Less than 10: 36%
- 1-25: 40%
- 26-50: 10%
- More than 50: 10%

For a review of all responses, please refer to Appendix A. For a complete listing of all respondents open-ended comments, please refer to Appendix B.

## Conclusions

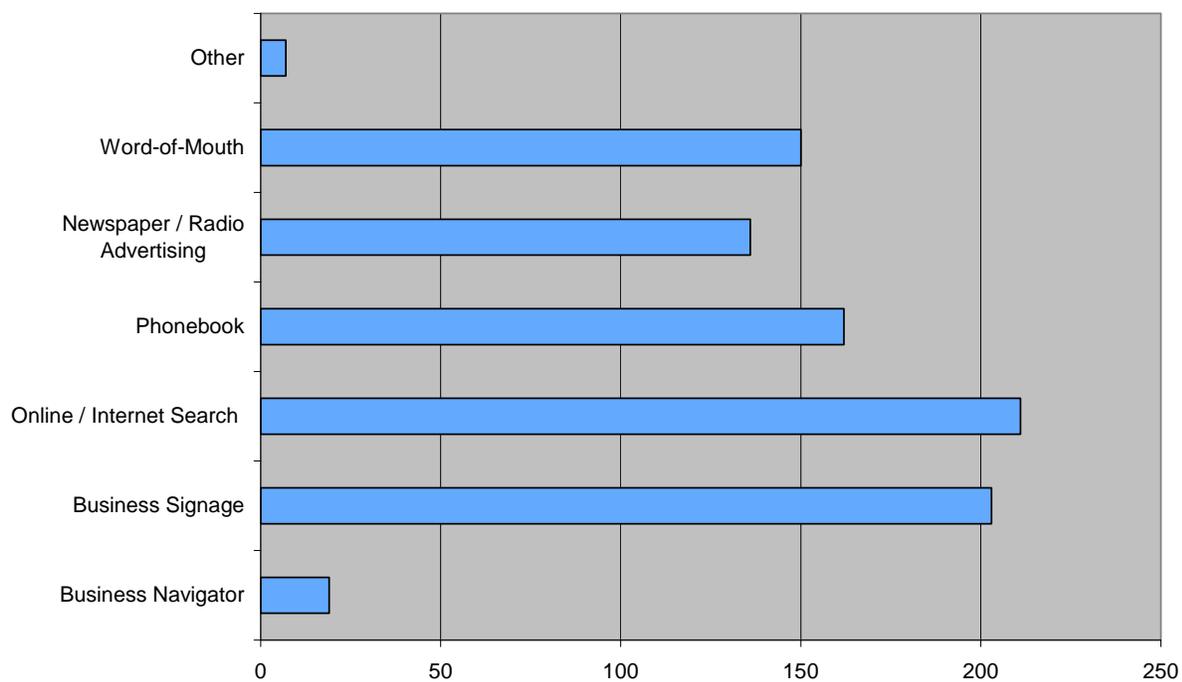
As a first-time effort for online surveys, the sign survey provided opportunities to explore several key areas with respect to the sign code review. This complex project will have many facets and it will be important to consider all concerns as the Town moves forward. The survey looked at several key areas that, according to the November 18, 2009 Council Communication, will play a large role in the task force review and recommendations. With that in mind, the following conclusions should be considered as the task force moves forward:

- There is universal agreement from both groups that signage is important to them, both to identify a business and for a business' marketing plan. This is important as it demonstrates there is strong support for signs—and thus, room for community conversation.
- There is opportunity for compromise on the hours of illumination for commercial signs as indicated in both groups' willingness to consider a 10 p.m. cut off.
- Although residents stated that signage was very important in locating a business, they did not support A-frame signs and rely more on size and lettering of signs. Business respondents, however, feel that A-frames are strong in driving customers. Focus groups to understand the divide on this matter should be part of the task force public participation process.
- The business community indicated that there are several areas for improvement needed in both the process and service levels by Town staff and the DRB. This should be another area for focus groups to examine to assess the specific areas that can be improved.

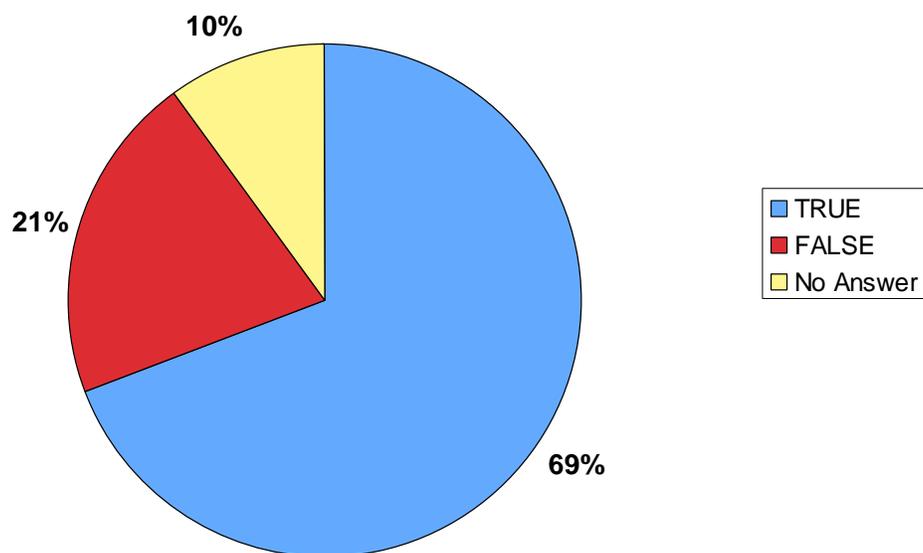
## Appendix A

### General Public Survey Results

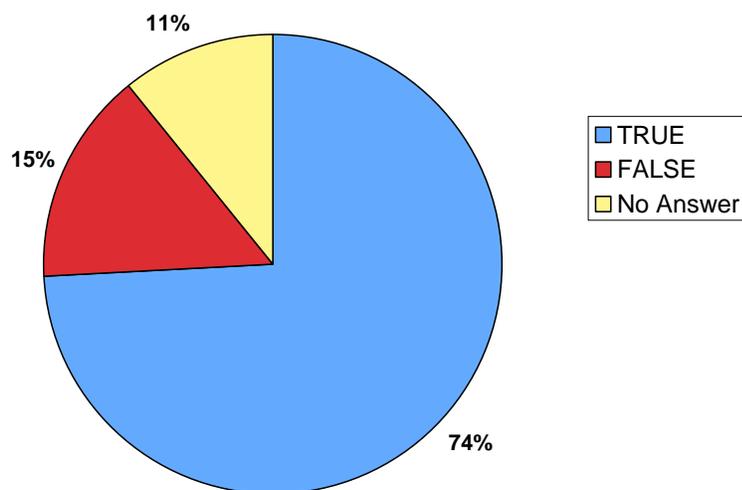
**What resources do you rely on to help locate a business or service in Oro Valley? Select all that apply**



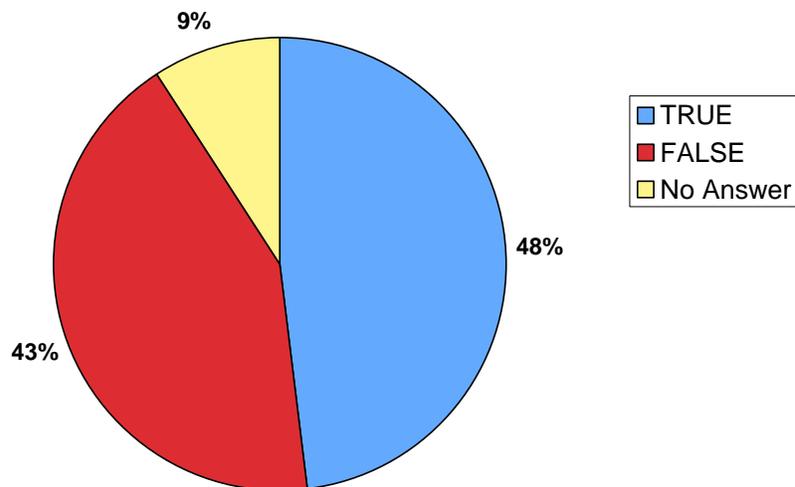
If you use "Business Signage," the size and readability of a sign is important to you.



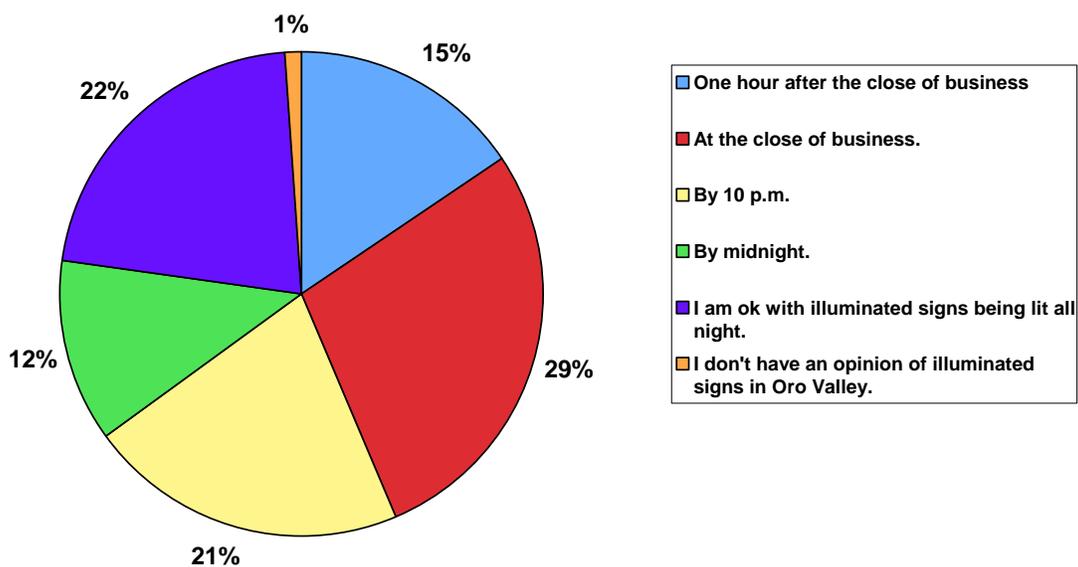
If you use "Business Signage," you look for familiar logos or company names.



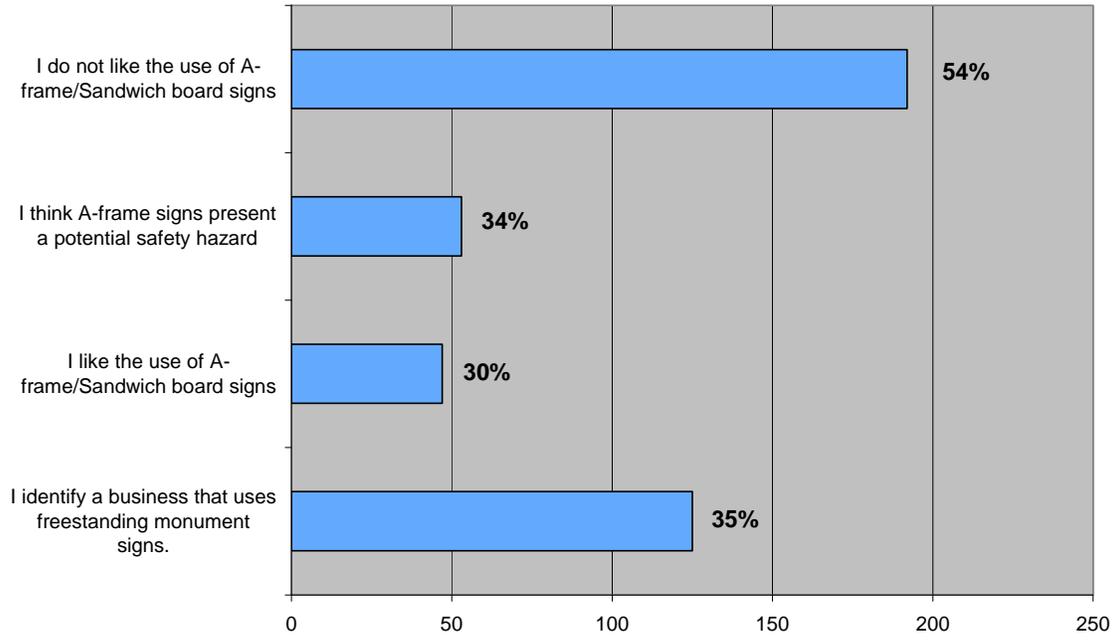
If you use "Business Signage," you often remember a business or service later after having seen an illuminated sign when driving by a business at night.



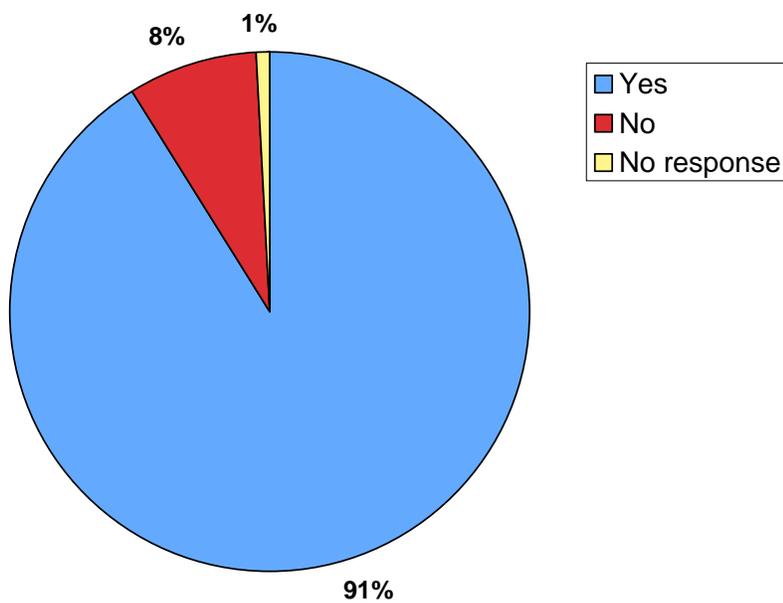
With respect to the use of illuminated signs, signs should be turned off:



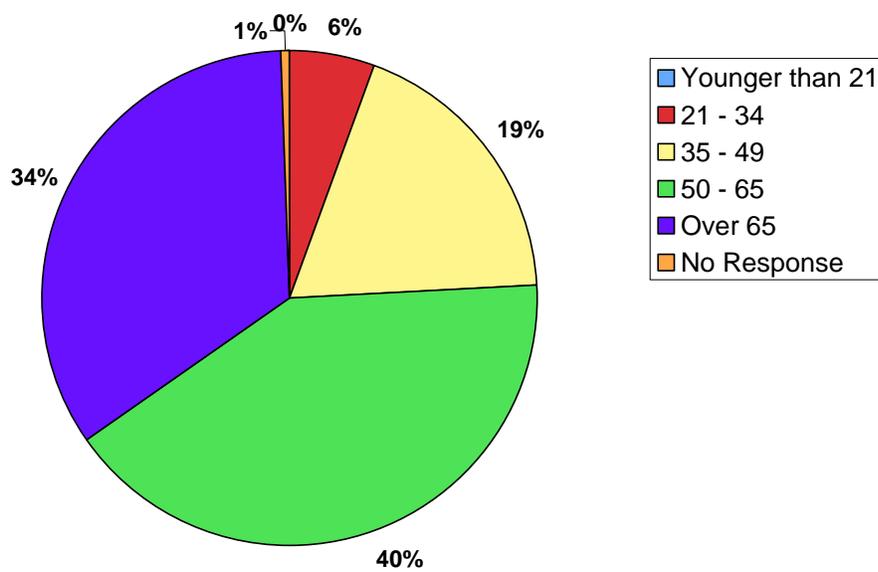
**With respect to business identification, please select the following answers that best fit your opinion. Select all that apply.**



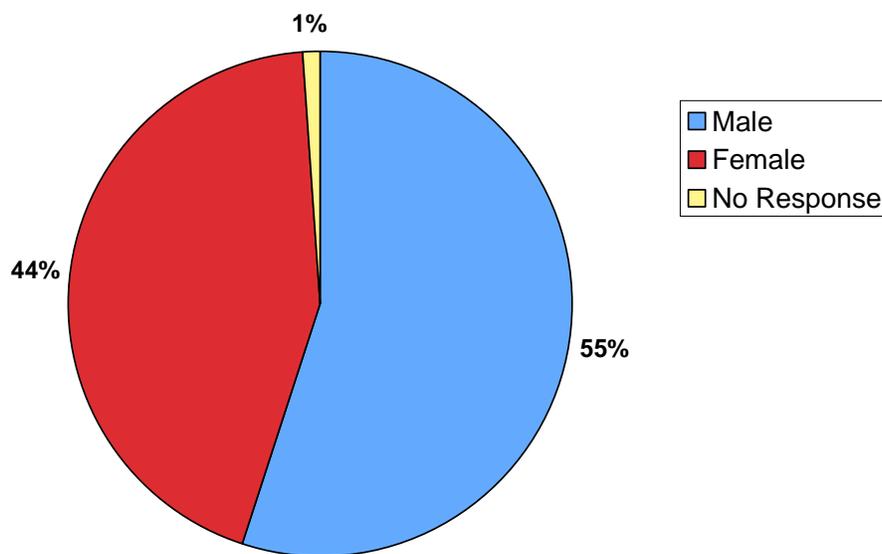
**Are you an Oro Valley resident?**



**Age Group**

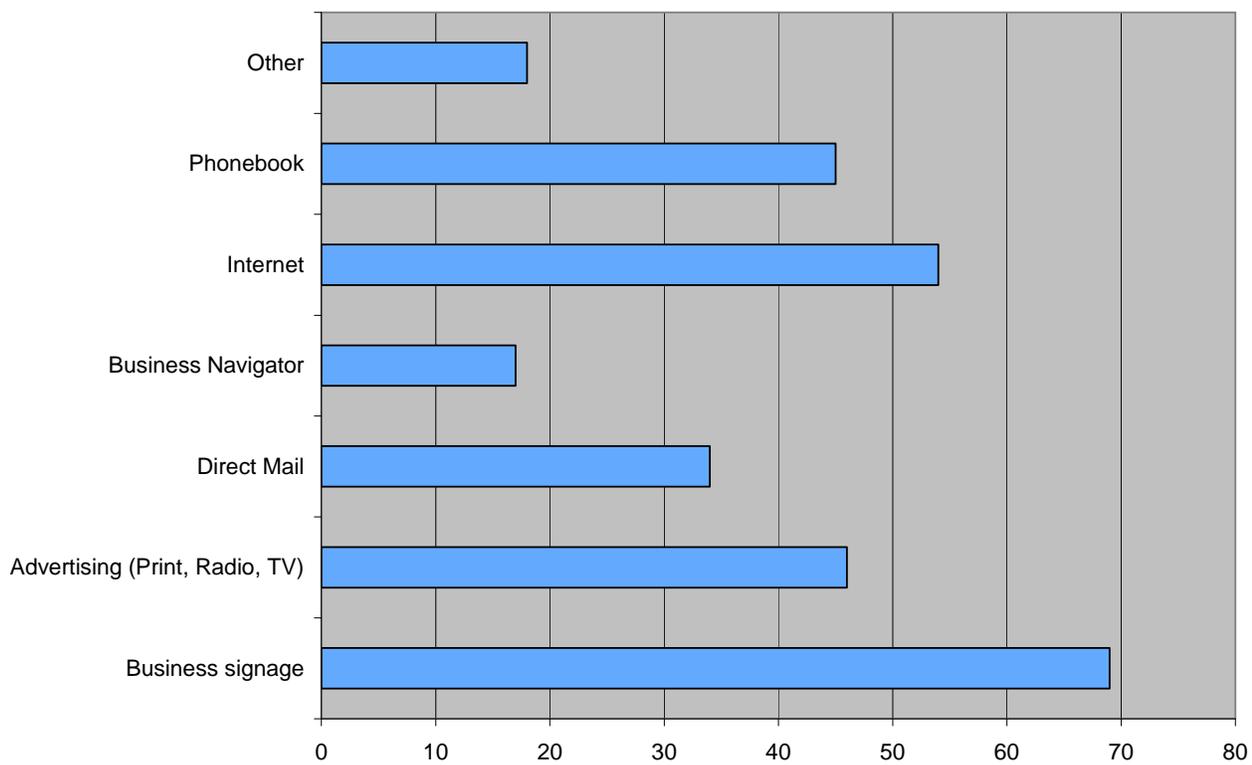


### Gender

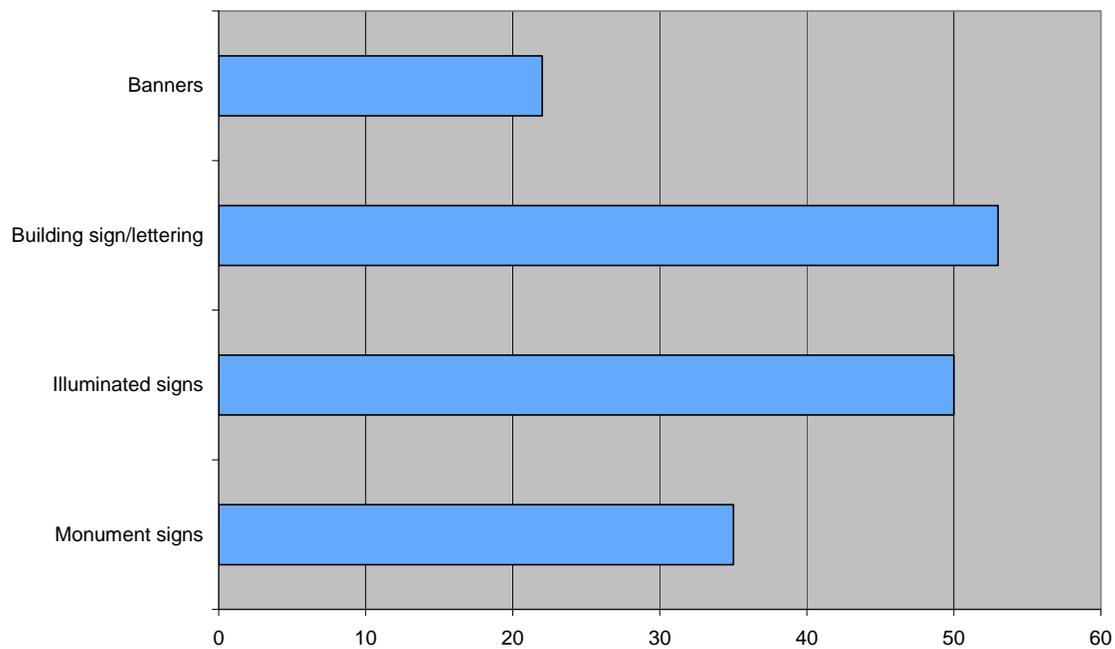


## Business Survey Results

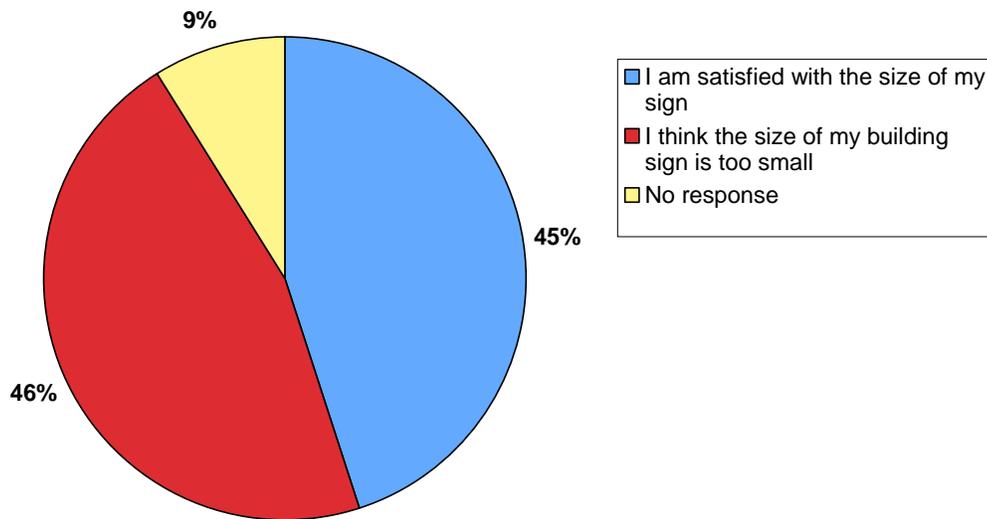
**How do you promote your business location? Select all that apply**



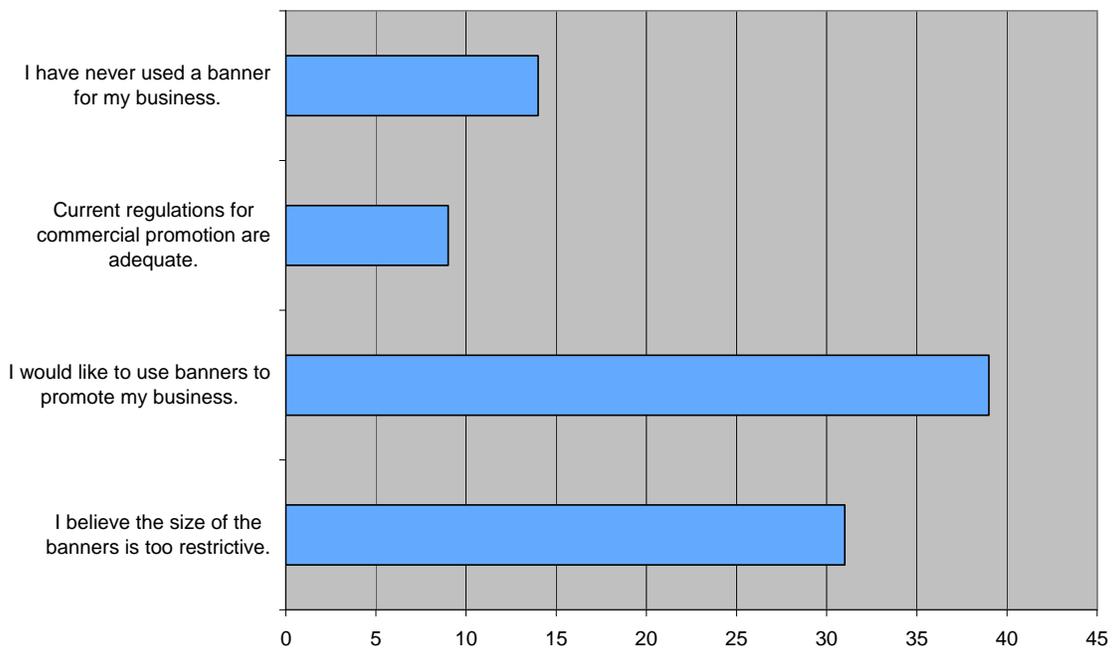
**Please describe the type of signs you use to promote your business.  
Select all that apply.**



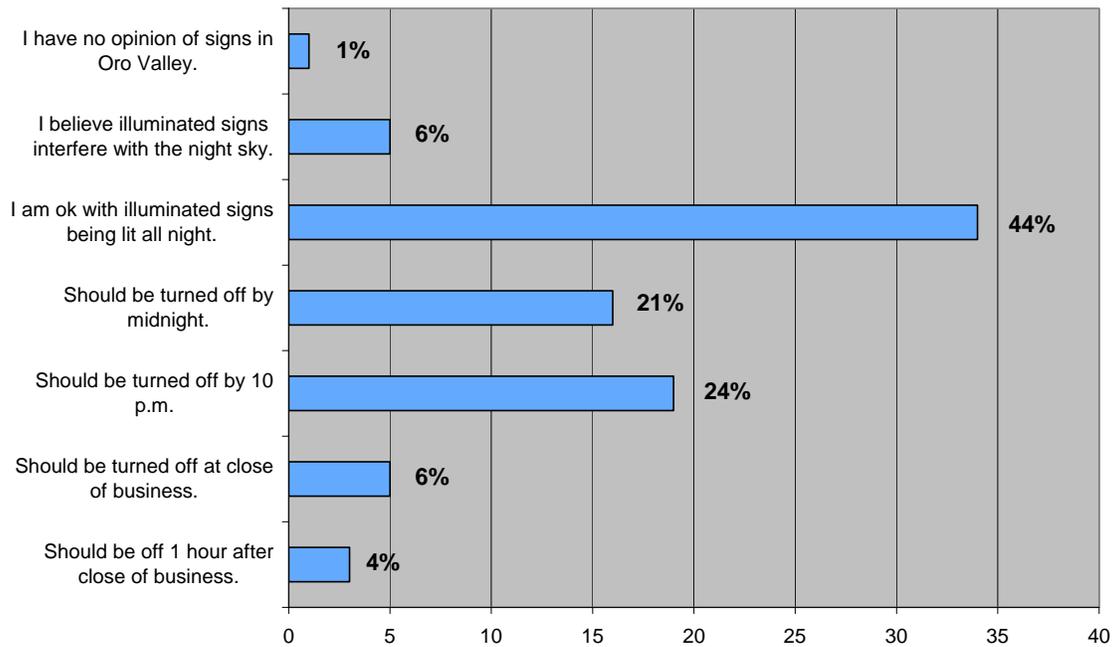
**Size of my sign...**



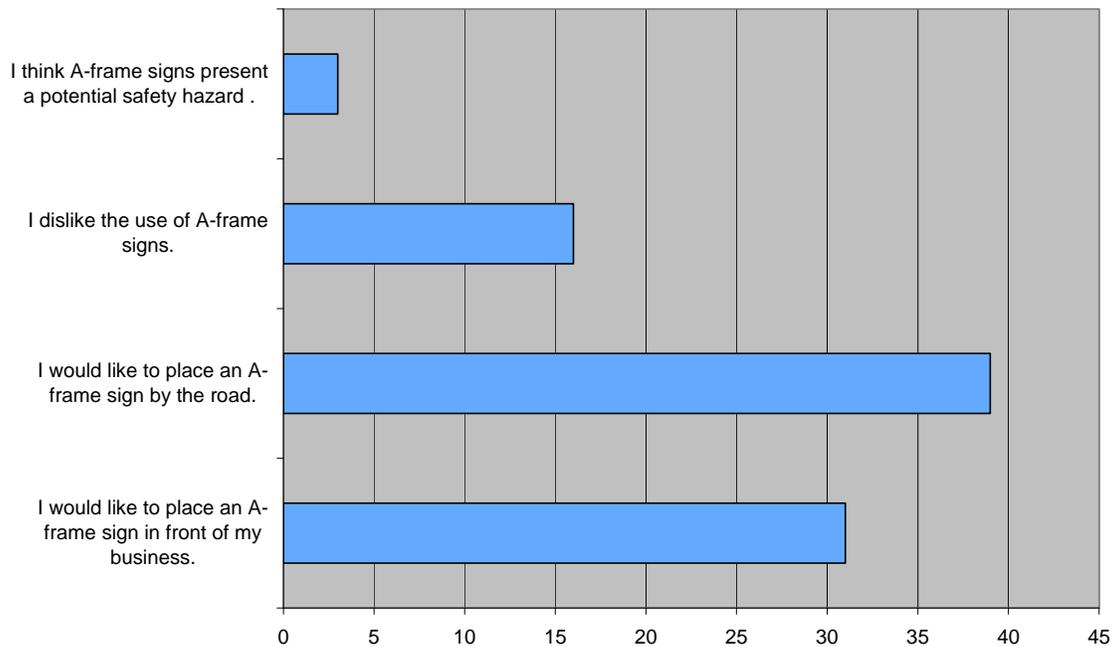
**With respect to banner signs, please select the following answers that best fit your opinion. Select all that apply.**



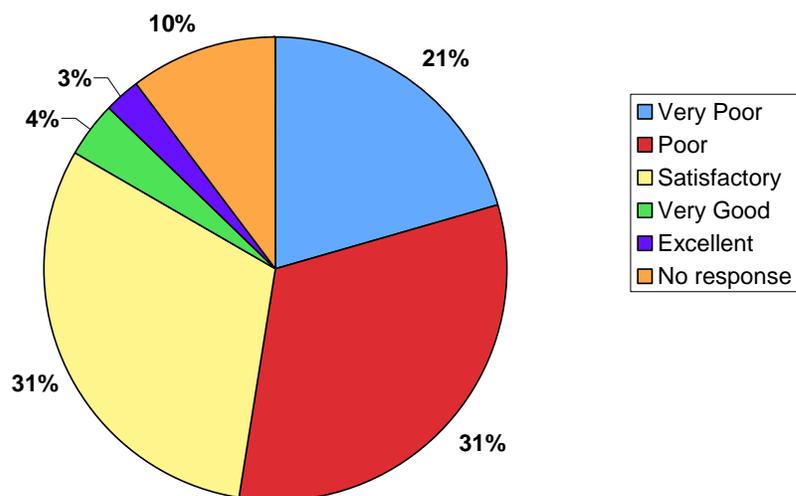
**With respect to mounted illumination signs, please select the following answers that best fit your opinion. Select all that apply.**

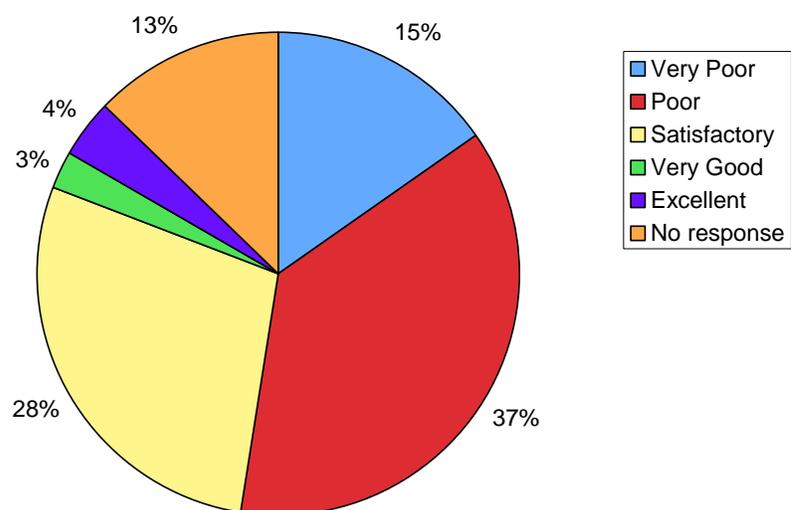


**With respect to A-frame/Sandwich Board signs, please select the following answers that best fit your opinion. Select all that apply.**

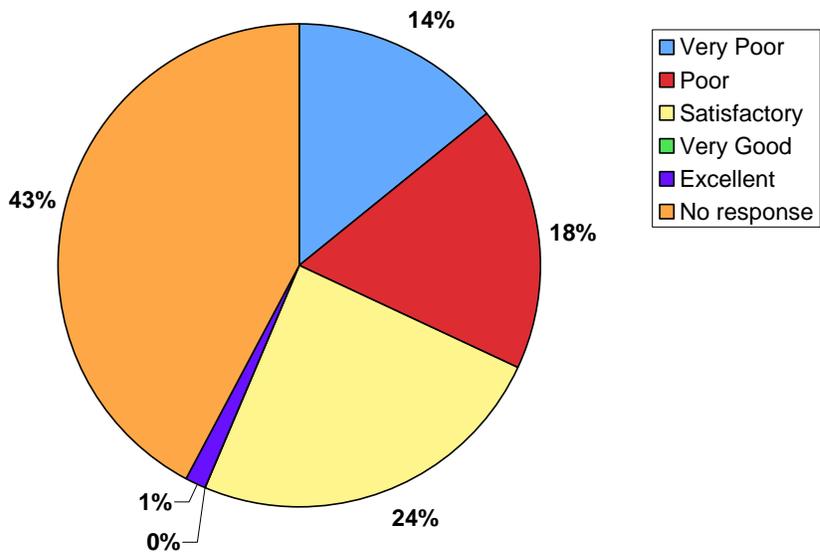


**In meeting the Town's sign ordinances, please describe your experience with the following processes**

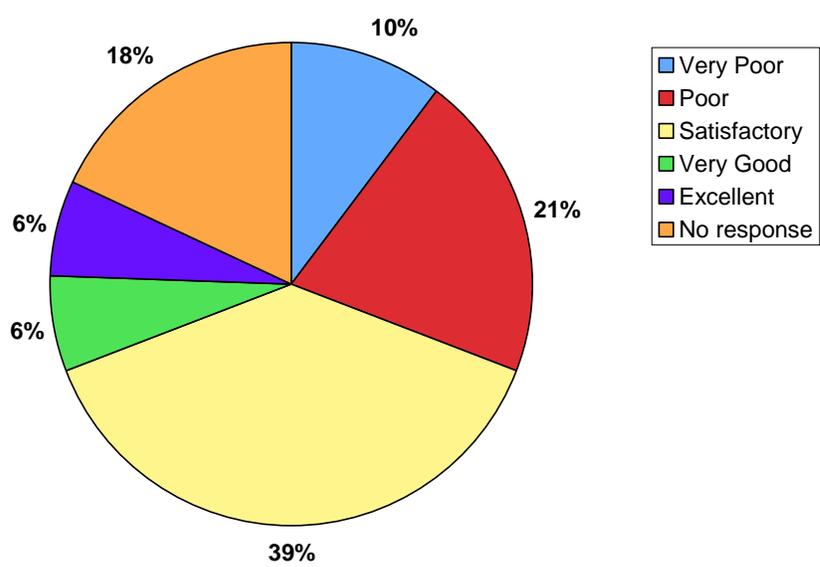


**Review & approval timing:**

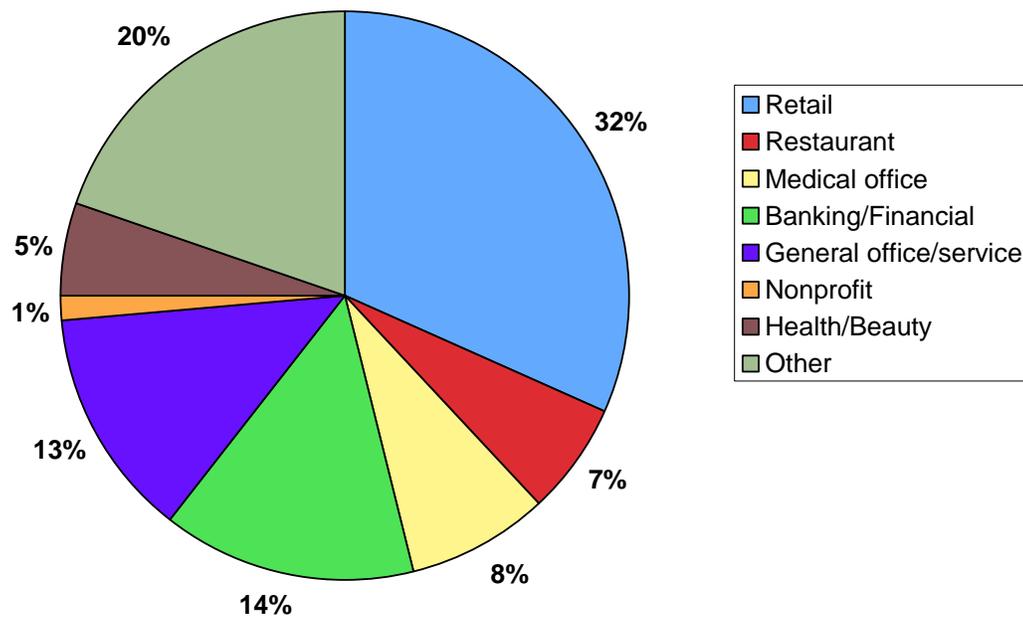
**DRB Review (where applicable):**



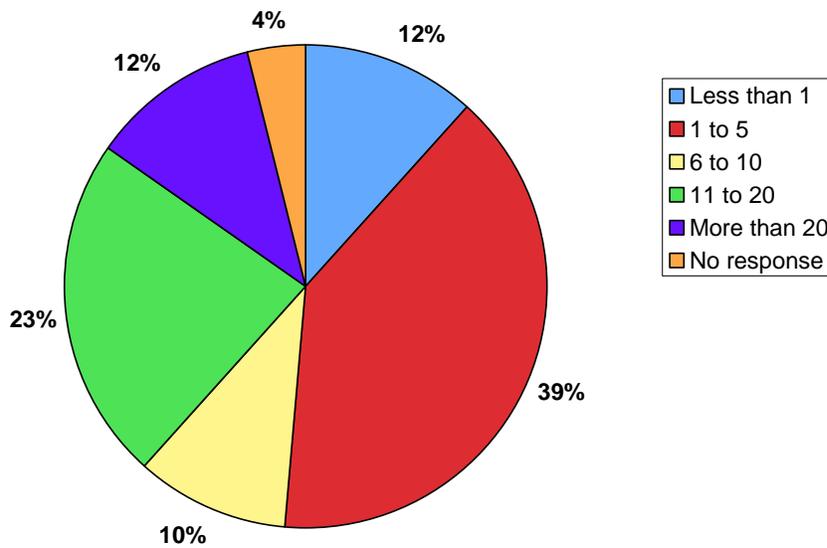
**Staff Response Time**



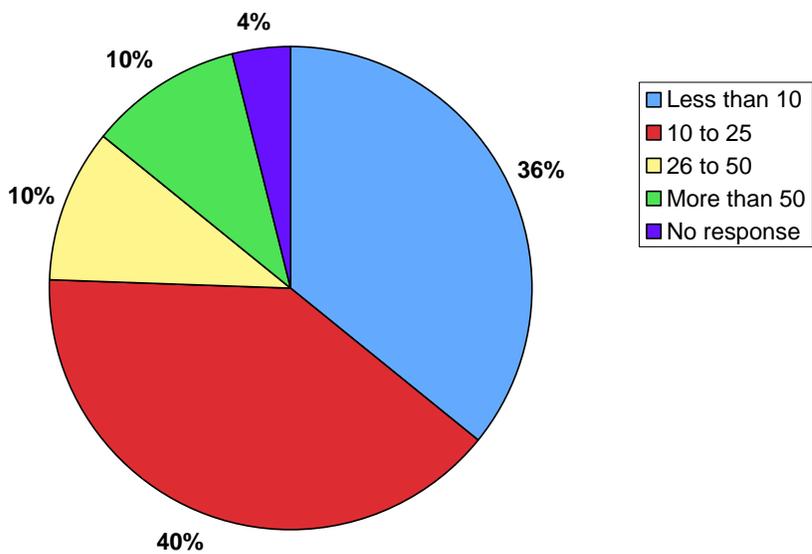
Type of Business



**Years in business in Oro Valley**



**Number of employees:**



## Appendix B

### Business Sign Survey Residential Open Ended Comments

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**Please feel free to add any additional comments regarding Oro Valley's sign codes.**

I believe that the only lighting needed after dark should be for safety and security purposes. Billboards should not be illuminated when the store is closed.

A-frame sandwich board advertisements look tacky. I am leery of any business that relies on them.

Another issue that bothers me is the use of outdoor music in the Oro Valley Marketplace parking lots. I believe there should be no music of any kind in a parking lot--it's just an annoyance.

The dark sky in Oro Valley is so important and beautiful. Having recently viewed the night sky at Kitt Peak, I see how our dark sky has changed with more lights over the last 8 years.

The current sign codes are reasonable.

I liked the business signs much better when they were the copper patina finish or green. I thought Oro Valley had a nice clean look. I have considered not shopping at the stores that are changing their sign colors from the classy copper patina or green.

Important factors to me are the night sky and energy use. Generally, if everyone is using smaller signage it is easy to read and identify a business. Bright, large signs are not necessary to identify a business. In general, fewer signs are better.

Bad enough this community permitted the construction of the Oro Valley Marketplace right opposite a State Park, are we now going to permit such commercial interests to light it up like Times Square in New York? Besides, their arguments for justifying such lighting needs are transparently (*sic*) spurious.

The low light pollution (dark sky) portion of the sign & light ordinance should be strengthened. There is no reason why sign & parking lot lights should be directed anywhere but down. The park district lights light up miles of otherwise dark areas and a few sign lights make no impact on dark skies. Think about shielding these VERY bright, nightly park district lights so that the light emitted is aimed DOWN! At present they are NOT.

The baseball field lights (Oro Valley Park Dist.) actually light up the face of the Pusch Ridge they are so bright. I don't worry about a few store lights, especially when they are in a brightly lit shopping center.

The sign code is just fine the way it is. The sky is already to bright from all the parks and schools in the area. Do not add more light by all night signs. If some businesses had their way they would have rotating beacons and strobe lights.

No, it's fine the way it is leave it alone.

Moved here because of the dark skies.

I don't want a Town Property tax. Help business make money and use the 2% sales tax to run the Town

There are too many lights in our beautiful valley. Turn them off!! I would like to stricter rules from the Town for business lighting signs. Most of the businesses in the Marketplace don't even face Oracle, our main throughfare (*sic*).

I see no good reason for any business to illuminate its signs after closing.

We are amatuer astronmers (*sic*). One of the factors that drew us to this area was the low light density which makes it possible to observe the marvelous (*sic*) night skies.

Keep the lights low in Oro Valley!

Why in the world would the town of Oro Valley want business not to have their sign lit up all night ????????

I'm sure some business owners would take advantage of 100 foot tall signs if they were allowed. However they aren't because we (the city in general) have decided that they are not appropriate. The fact that businesses now want to leave their signs on all night does not have any bearing on weather they should be allowed to.

Two reasons I would like the illuminated signs to be turned off at the close of business are to signal they are closed for business for the day and no need to stop and unnecessary light pollution for viewing the stars and planets at night which is why we don't live closer to downtown.

Signs should conform to surrounding area fixtures.

Modest size, comfortable colors

I find oro valley's current sign illumination regulations to be petty and ridiculous. once again, oro valley is head over heels consumed in nonsense, while practicality and reasonability are not addressed. case in point - the obtrusive, ugly, and unnecessary wall along oracle road; the unsightly side entrance to the new wingate inn (the entrance should have been located on the length of the building for a much better curb appeal image), WALMART, etc.

Not a very good survey. Lots of questions truly can not convey a useful answer

Lights on after closing are a waste of energy and do not uphold our dark skies support. If lights are on, one would assume the business is open. If lights are on and the

business is closed, it would encourage me NOT to do business with someone that wastes resources so lightly.

We do not need now should we allow large numbers of garish sinage (*sic*) that destroys the character of our community and environment. The town should control the size, color, and hours sinage (*sic*) is allowed. Please do not relax he existing regulations.

I like a neat and clean community with quality signs at a minimum level.

I think the night skies are very important to Tucson and its observatories. We really don't need to be blasted with lights from all angles.

Keep the lights low please. No more light pollution.

I am concerned abot (*sic*) safety at night if the lights are dimmed - vagrants, young people, drug peddling and so on.

I think the sinage (*sic*) is not the only problem that you might address. Exterier (*sic*) lighting can be excessive like the Holiday Express as an example.

There is a distinction to be made between being aware of a business, and trying to find it while driving. I often have to go past the place I'm looking for because there isn't enough warning.

Oro Valley's restrictive business sinage (*sic*) law hurts small business locating in our city. The new ACE hardware at 1st Ave. and Tangerine. is significantly handicapped by being forbidden to place a sign on either bordering street. Despite having been here for several months, many customers walk in today saying "I didn't know you were here" We should have policy's that encourage and support small business. The repressive sinage (*sic*) law has the opposite effect. Is this law in place to beautify our streets and thereby limit tax revenues and discourage businesses from locating here?

Please limit the placement and size of signs to the smallest reasonable size. It is wasteful, unnecessary and offensive to have lighted signs after dark if the business is closed.

I do not believe a business needs a gigantic sign to identify their business. I feel a limit on size is needed but should not be too small to catch your eye while driving by.

I just feel that any illumination after the business is closed is not in the best interest of the business or the customers. Anyway, I don't shop by signs.

Help business, I do not want a property tax

I feel sorry for all of us because I see more and more businesses going out and that means less shopping resources available for residents of the area - and less city revenue from sales tax. This could result in a less safe city for everyone. We need our local businesses and the stricter the city is with them the harder it will be to keep them here.

The current sign code and outdoor lighting code are adequate as currently written.

Illuminated signs being on all night reminds us of where this particular business is. A location being dark casts a gloomy atmosphere.

Leaving the lights on after closing is a bad idea. I would not patronize a business that did so. Also, signs should be subdued to minimize light pollution. Many businesses have an infatuated concept of themselves as reflected in garish signs that are inconsiderate of the interests of the larger community. Target comes immediately to mind.

I am very concerned about light pollution. One of the reasons I live in this area is the ability to see the night sky.

I am tired of the Town of Oro Valley dictating policies that don't benefit the residents who live there. You all seem to have your own agenda's . . . whether it's dogs barking (inside a house), business signage, or our youth skate boarding . . . it's ridiculous. If the housing market were different, I would move out of this "Stepford" town immediately!!!

I don't think A-frame signs would be needed if businesses were allowed to have monument signs that were larger and more visible

When it comes to the monument signs I know that some people might not like the large tall signs, so why don't you mandate that all signs must be no taller than 6ft. This way everything is the same height (*sic*) and you don't have large signs all over the place.

I think illuminated signs should match a uniform code that require low-voltage backlit signs like what the businesses at Vistoso Office Park use. These signs are tasteful and subtle.

I don't very often need to look at signs at night because I don't often go to unfamiliar locations at night.

Oro Valley (*sic*) has been (*sic*) over bearing with codes and controls. Both in the laws of zoning and an inability to make allowances for one time events or once a year events. Requiring signage to conform to one color is insane. A logo is the most important symbol of a business. it's time for the town to back and allow some creativeness in to the air.

Signage lighting after 10pm is unreasonable! The current OV code should be enforced now.

I identify by the signage on the business itself or in the case of a strip mall situation, the sign by the street listing the businesses in that complex.

Oro Valley has already compromised being distinctive by allowing too many colors, styles and logos of business signage. We were promised a classy town and it has become just another strip city with not even a scenic corridor. No more compromises!!!

when signs are illuminated that indicates the business is open

We moved to Oro Valley because of the scenery, the people, and the fact that a new community MIGHT make a significant difference to the environment. We admire the fact

that Tucson keeps its lights low to enable Kitts Peak to do scientific research. We would be MOST unhappy to be a part of a community which does not value these things.

There is no reason to have illuminated business signs lit after 10PM unless they are a 24hr. business. I think stargazing is an integral part of Arizona's appeal and quality of life.

Stop putting so many artificial restrictions and onerous regulations and taxes on businesses.

You are now seeing unintended consequences of the anti-business, anti-growth mentality exercised by the DRB, Zoning, Development Services and some Town Council members over the past few years.

Signs for me pollute the environment.

What is a "monument sign?"

I like a few dim lights on at night, but only for a short time. The rest of the night should be lit by star and moonlight only.

They should not be left on all night. Dark skies is why I moved to Oro Valley. Lighted signs at night are an eye sore and a pollutant to the beautiful Arizona evening skies.

Please don't burn lights all night. The observatories don't want any more light at night.

I'm an Astronomy buff and enjoy dark skies. With the growth of Oro Valley, our dark skies are slowing going. As in Tucson, I think we should restrain late night outdoor lighting especially after close of business hours.

I think you should try to promote businesses in Oro Valley and not put barriers in the way for the business owners.

Keep the night sky dark so we can enjoy its beauty (*sic*).

Oro Valley seems to live up to its reputation of being a difficult place to do business. It's time the Town hired an independent firm to assess the areas where the Town can be more business friendly (signage, lighting, building codes come to mind).

I appreciate signs that do not pollute the view. i.e., I consider road signs that tell who is caring for a particular strip of road to be pollution in almost the same way as is garbage.

I do not like signs that 'shout and scream' with their bright colors and size.

I firmly believe that OV must recognize/promote substantial limits in total outdoor lighting in an effort to reduce light pollution of the night skies. There are at least two reasons for doing so:

1. The dark skies economically impact this area for astrological study by U of A Kitt Peak etc.
2. Night time skies are one of nature's most beautiful gifts - a sight long lost in most

urban areas. And a constant reminder of the vast universe surrounding us. I have lived in northern wilderness where the only night sky light interference comes from the Aurora Borealis. I am an astronomer, but we are appreciative of nature whether on the earth or above us. Will OV work to protect or to allow further erosion of people's ability to observe the beauty of a clear night sky?

I do not believe Oro Valley has been a business friendly town in the past. Certainly requiring the businesses now to turn off their signage lighting by a certain time is not how to keep or attract more!

I prefer to see uniform, size regulated signs. Towns that have them look uncluttered and one business isn't having to outdo the other in signage.

Leaving your sign lit up all night when you are closed is not the best way to generate business. Having convenient hours will bring people in and having air-conditioning will keep them there. Too many businesses are closed Saturday-Sunday, the only time that working people have to get anything done. Others close early on Friday-Saturday, not giving their customers enough time to get there. Some never turn their A/C on. I've walked out of many establishments due to this problem. My sense is that they want to run their businesses for the least hours possible and save money by not running the A/C and then complain that they're not doing enough business. Then they want to solve the problem by leaving their signs illuminated all night instead of addressing the REAL problems of inconvenient hours and/or no air-conditioning.

I often leave early in the morning to catch a 6 a.m. flight out of TIA, so I have an opportunity to drive through Oro Valley in the dark. There is virtually no traffic at this time of the morning, so there is no traffic or people to see illuminated signs if the signs are on all night. Likewise, the Oro Valley population being largely retirees and families (*sic*) w/ children are not the categories (*sic*) of people that are out and about late at night, like areas of Tucson that have nightlife/concert venues. To keep business signs on all night is not necessary, is a waste of energy, is a disturbance to nearby homes and IMO does nothing to promote a business purpose. I think lit signage until midnight is sufficient.

Oro Valley's lighting codes should be strengthened to preserve the beauty of the night sky. I would not patronize businesses that cause light pollution. (*sic*)

I have lived in Oro Valley 7 years and drive downtown to work...normally down Oracle or La Canada...Soon I will be leaving while it is dark and returning when it is dark...to not have the ability to identify new businesses that open or find retail establishments that I now need but have not been recognized because I did have a need for that retail offering...is a negative for me and I would assume much more of a negative for new comers who filled our area after I moved here. If we are not in a position to support our businesses by allowing them to market their products and services we will continue to perpetuate the lack of support in Oro Valley and will result in an area that does not have the necessary retail establishments to satisfy potential new residents...as well as current residents. I truly enjoy the atmosphere of Oro Valley...however, we are not Santa Barbara, nor will we achieve that level of totally controlled environment...can we find a compromise that keeps our area growing...or worse case...stable.

Signs being on after a business closes just makes me think they are open and I see no reason for them to be on once a business closes.

Keep lighting low, for clear skies (*sic*)

I think the existing sign code needs to be revised to be more supportive of businesses. We need businesses in our community and should work to attract (*sic*) them and reduce possible obstacles.

Signs lit up at night do not attract more business. Residents are already aware of local businesses. We drive by every day and see them. We do not need to see them at night as well.

Additionally, lights on and off are a great indication of business hours.

"least intrusive" is still the proper description for signs in Oro Valley.

Signage appears to be overly restrictive. I moved to Oro Valley 2+ years ago and occasionally still "discover" a business that I previously was unaware of due to not only very small freestanding signage, but also existing landscaping blocking signage. Why not allow larger freestanding and building signage rather than desperate business owners having to put up the A-Frame signs like you see by the poor guy that has the car wash behind the Target. He has a sign, but the colors blend together and its not noticeable. The OV Marketplace should be allowed signage on the back of buildings. How are commuters supposed to notice the stores, surely not the small signs at the entrance. Other examples are the tiny new gas signs at the Giant on Oracle/Pusch View, and the Loop Taste of Chicago has an ugly banner up with no freestanding sign. I'm all for more visible (*sic*) signage as long as the signage is designed to match the buildings and primarily desert colors. We don't want to end up like the shopping center at the SEC of Thornydale and Cortaro that always has multiple banners attached to a steel railing near the intersection. That demonstrates that the businesses are hurting, most likely partly from the economy but poor signage obviously can't help their situation. Thank you.

Signs are OK for a business until 10 PM. After that, night skies are more important. Comparatively few residents need to find businesses after 10PM.

Encourage animated neon in business areas. It creates a sense of movement, aliveness.

One of the many pleasant features of residing in Oro Valley is not being bombarded by signage. I am not in favor of relaxing the current code.

I have previously lived in Boca Raton which had strict guidelines (*sic*) for signs. I think businesses should have the ability to have illuminated signs but I like the idea of having restrictions on size and height and please do restrict billboards to the Interstate as they are unsightly in a city.

This town seems to do what it can to hamper businesses. I've never seen a town operate like this one.

I think businesses shouldn't be restricted when it comes to promoting their business. The more business done equals more income for Oro Valley.

Oro Valley needs to become more lenient when it comes to their signage rules. As an Oro Valley resident, I feel that signs not only illuminate our small town, but also help promote business, which is very important in this tough economy.

Controlling light pollution in Oro Valley is important. Reaching a compromise situation where lighted signage is illuminated during business hours is a very reasonable approach.

I moved back to Oro Valley (from Kansas) in part because of the beautiful night sky. I have five sons, and we use our telescopes often. I do NOT think signs should be left on after hours as it increases light pollution (*sic*)! Thank you for taking this survey into account.

The sign code needs to be realistic and permit plenty of advertising opportunity, especially in this economy, but even in better times. Advertising and the convenience and efficiency provided by good signage allow the economy to function smoothly, which is what provides jobs, job growth, and tax revenue for the town.

In reference to business lit signs if they are on the highway we don't care if they are on all night... but residential neighborhoods they should be out by midnight

Sometimes when driving through an existing strip mall or business area it is difficult to locate a business because of the signage only being on the front of a building. It would be easier to see something jutting out of the building stating the name of the business. Perhaps not so much an A-frame, but something more stable. Thanks.

They should be made to be business friendly based on the input from Northern Pima Chamber members suggestions

I support the sign guidelines (*sic*) per the Outdoor Lighting Code. I frequent the Oro Valley area. (**non resident**)

Re Lights: As long as the lights are not shining in the windows of my house or lighting up my property at night, I don't care if the signs are lit all night. With today's economy, I realize that the companies are using the a-frame signs to attract customers...it's a difficult world for these businesses. While I don't care for them, I respect that these businesses need to use them to help stay in business.

I feel leaving the lights on beyond business hours is a waste of our valuable energy and is a pollution to the sky.

Signs at the large shopping center on Oracle would be nice to see who is in there while driving past

It seems to me the code that requires that the sign be turned off one hour after closing isn't business friendly nor friendly (*sic*) to their clients. Much of what I see in Oro Valley is a controlled image that really wouldn't be offensive if left on until 10pm or later. The only reason to go past mid-night is if the business happens to be open beyond that hour such as a hospital or emergency care. It is easier to relate to signage than address numerals when looking for a destination (*sic*).

I would like to see the signs conform to a prescribed size and color -enough to identify the business, but still in good taste and quiet.

The on-premise signs are too small. I can't see the signs well from the road. The business (sic) signs should also be lit at night in order for the public to see the signs.

I feel midnight is a reasonable time for the illuminated signs to go off, unless the business is still open, then it should be one hour after closing.

A-frame signs are ok at the store entrance, but not at the edge of the street. Business is really tough right now. The city should do everything it can to help these businesses get through these trying times. If that means having a sign on all night, then they should be allowed (sic) to do it. It also adds a safety factor to an otherwise dark area.

I think your sign code ordinance (sic) is archaic and nonsensical. I also think that billboards should be allowed on main roads. If done right they don't hurt the beauty of an area. I want to know when Oro Valley is going to start acting like a real city(town) and stop living in the past like. Its almost 2010 for God's sake and the last I heard you need all the revenue/tax base you can get!

Signage is important and needs to be obvious enough to be seen, without being overpowering or obnoxious.

I am **not a resident** of Oro Valley but do spend significant amount of time transacting business within the Oro Valley city limits

I think the illumination of signs at night is a waste of electricity and money for businesses. Production of electricity uses precious natural resources which are being wasted by illuminated signs of closed businesses. By turning off unused lights at home or work (or in this case signs) we can reduce the use of our natural resources. Also, it helps cut down on light pollution which cuts down on light pollution and allows another Arizona industry, Astronomy to thrive.

Illuminated signs of closed businesses do nothing to attract people to the stores. People that live in the area know where the businesses are and people not familiar with Oro Valley and are just passing through/visiting will not benefit from illuminated signs of CLOSED businesses, because they will not be able to purchase items or services from them. The A-frame signage is okay immediately in front of a business (if sidewalk width permits) but not 500 yards away on the side of the road.

Businesses need signage to attract new customers, charge them make some revenue, allow them to have the signage they feel necessary to get customers within reason.....

We must maintain a dark sky policy, especially now as the town grows. I feel businesses for the most part think they are above it all. They will do just fine without all of the lighting, all night long.

The present code should stand and be enforced.

I love the requirement for copper patina signs. Much better than gaudy multicolored signs (Shame on Target for breaking this rule!!!)

I am LESS likely to patronize a business that creates an eyesore.

I believe the excessive signage restrictions discourage many MUCH NEEDED prospective "quality" businesses (both large and small ) from establishing their operation in our community.

Maybe use the Pima County code so that all businesses in the county have a level playing field in how they can identify and advertise their businesses.

I have always found it very difficult to find a business (*sic*) in Oro Valley. Signage is very poor, hard to locate a business even when I have an address. Businesses should be allowed to advertise their business perhaps a standard on signage but large enough to be seen.

Churches should also be forced to turn off their signs. All business should turn off/down their parking lot lights past a certain hour.

The strength of Oro Valley is the beautiful view of the mountains and the great efforts made to support outdoor recreation. Do not make Oracle Road in Oro Valley as ugly as Oracle Road near Tucson Mall.

What prompted this sign change in the first place? It was not bothersome for me to drive down La Canada or Oracle at night and see the lit up shopping centers. This seems a big waste of everyone's time - why try to fix something that was not broken?

With respect to signs, I believe an organization would benefit (*sic*) from turning off signs after 10 p.m. (as long they are not still open) in that money spent and carbon footprint generated would both be reduced.

If you look at signs where the light emanates (*sic*) from behind a non-lit front, they do not produce light pollution like neon signs and are more effective. I am thinking of church in town, either on La Canada, or Thornydale where the cross is not lit, but there are light behind it that throw light directly on to the building. It is not obtrusive but very appealing and effective.

Thanks

Get off the backs of the businesses and let them prosper.

I would be strongly against extending the time signs can be lit.

A frames are fine, but only during business open hours and only in front of the business. The signs should be of a standard size so as not to block any traffic or sidewalks.

what happened to uniformity? and the discrete sign color too many exceptions to the rule, especially to conglomerates with well paid legal team

the lighting issue mainly involves all the parking lights left on, sign lighting is less invasive

I am happy to see Oro Valley accepting input regarding their sign code. I believe Oro Valley has not been business friendly and personally know several businesses that have either tried to open in Oro Valley or have heard the horror stories associated with opening a business in Oro Valley and chose not to. Relaxing the sign code would be a step in the right direction. Businesses need advertising and signage plays a very important role. Thank you.

I have been following this big hoopla and I think it's absurd (*sic*), how can a business drum up business if you can't see what a store is? Signs have to be illuminated in order for people to know the business is there. Oro Valley is a very dark town at night ! Stores are going under left and right and they need all the help they can get !

I think "dark skies" are very important to Arizona. I am proud to be a part of and supporter (*sic*) of our Astronomy industry/organizations. I just returned from the east coast and was amazed (*sic*) at the limited view of the stars.

I think Oro Valley has cut their throat on this issue and the throat of the business owners. Why do we have a theater with no marquee or sign showing it is a theater till you are right up front. If we are going to have these places they should be able to excel. You tell me...if you were to drive by the wal-mart center on Tangerine or Oracle not knowing what was there would you be able to tell without driving into the center. We wanted that center and then tie their hands. I drive by every day and it would be nice to know what is playing at the theater if it is going to be there. But for how long?

Business signs illuminated (*sic*) past 9 pm is too late, unless the business is open. I would prefer all off by 8 pm unless the business is still open, then off 1/2 hour past closing. 10 pm is entirely unacceptable. When my family and I drive at night, we are not out sightseeing (*sic*); in fact, we would prefer that there be fewer distracting lights off the sides of the road.

Regarding A-frame signs, they should only be allowed for special events, limited to 5 days per month per business/entity.

I REALLY prefer a uniform, unobtrusive set of signs for the businesses in Oro Valley. I feel this is what gives Oro Valley it's unique look and feel, compared to the rest of Tucson (or most other Arizona towns, for that matter).

Oro Valley, as a town, needs to realize that business owners need to have signs that will draw in customers. Leaving a sign lit up a night is not a problem and will only help the business.

Yard Sale signs on weekends are the only free standing I use and I like that they come down after that day.

I love the signage at the shopping plaza at 1st and Oracle. Please don't let Oro Valley become like Tucson with lots of gaudy ugly signs...

No illuminated signs please. We enjoy dark skies in Oro Valley for Astronomy (*sic*) purposes.

I am very much for the idea of restricting sign size and turning illuminated signs off if the business is closed. The size of a sign not actually on the building of the business itself should correspond to how far that sign sits off the roadway for a "reasonable" person to see and identify where that business is. As far as a sign on a building itself, I believe it should be proportionate to the size of actual business. A small 800 sq. ft. shop should not be allowed to have the same size sign as say a large grocery store chain, etc. As I said before, I also am an advocate of reducing light pollution thus forcing businesses to turn off their lights after they close. Not only is this good energy saving practice, (I credit myself with convincing AMC to shut the billboard and other bright lights off at their Catalina Theater at Campbell and Grant in Tucson, which they had left on all hours of the night even after it was shuttered for good) but it also lets citizens enjoy the "peace" and tranquility of looking at the stars, etc. and provides preservation to the reason many move to Oro Valley (for the "darkness" in the first place.) Obviously, safety and security need to be addressed and some leeway allowed such as street and security lights, but this is another issue. Lights should be on to allow customers to see where the business is located. Lights should not be for solely for advertising at all hours of darkness. If a business is closed, then the light should be off. If anything, this also saves a potential customers time by showing them that if the light is off, the business is closed and there is no need to try and drive into the plaza or otherwise make an attempt at trying to go into that business. If the light is on all the time, but the business is actually closed at a certain time, such as at a fast food restaurant that IS NOT open all night, then many potential patrons may approach the restaurant even though it is closed and waste their time. Thanks for reading my input.

We are losing the night sky. Please keep the lights down. Once we give up the darkness, it is hard to get it back. Our clear night skies are a treasure. Please help preserve them.

All businesses in our community need to be in compliance with our lighting ordinance (*sic*) as it pertains to the light pollution (*sic*) and our long standing astronomy interests. This has been good for our tourism businesses too. I feel there is a happy medium for business to have the proper lighting for safety and continued advertising without being over powering. There is a wonderful local/international organization in town called International Dark Sky Assn that works on this issue and they should be consulted!

We need additional businesses in our community and businesses must be able to identify themselves and be found.

I don't really understand the monument-A-frame question. I want signs that are clear and easy to read, if they are illuminated I assume the business is open. A- frames are okay for shops that are tucked away, but should only be out when business is open. Signs should be tasteful, in keeping with an upscale community. I don't want tons of neon/illuminated signs that spoil views and hinder viewing the night sky. Logos are okay because of immediate identification. No Vegas-like strips, please!!!

Please preserve our Arizona dark sky.

AZ House Bill Title 49 (See Chapter 7)

<http://www.darksky.org>

Why would you need a sign if the business is closed.

We do not need any further distraction at night when driving. I only want to know where a business is during opening hours.

Our town is famous for being "dark" lets keep it that way.

All business signs should be off by 9pm unless the business is still open.

I find that inadequate sized/no numbers on businesses are the biggest frustration I have in locating a business especially the office buildings. I feel that brightly lighted as well as large signage is offensive and a threat to our dark skies. I have previously called the city offices to complain about the bright lights on the signs at the storage center on North Oracle. Lights on at night will never have an influence as to whether I would patronize it during the day.

I think that it is a great idea to take this survey. Thank you

While traveling in the northeast, I was pleasantly surprised at the lack of signage along highways, such as billboards. It was VERY pleasing to the eye. We MUST not cave in to business interests and allow signage to run rampant. I think the argument is very poor that business owners rely on drive-by business and therefore need signs (*sic*) to be big, and illuminated all night. We have WAY too many signs along the road.

Talk about a need for inclusion in a distraction while driving law: is it worse to talk on a cell phone while driving, or to read all of the signage along a roadway?

We must do a better job of using (*sic*) less electricity

The lighted signs at night are a waste of energy and a distraction. Turn them off when the business is closed. Also, Fry's (new) RED sign on Oracle Road is ugly too!

I live north of Oro Valley and drive through Oro Valley every day. I do a lot of shopping in Oro Valley, especially along the Oracle corridor near First Avenue and in Oro Valley Marketplace. The signage that has been allowed, per the Town's signage code, is limited and tasteful, so I see no reason to force businesses to turn off their lights at night if they don't want to. (**nonresident**)

I feel that signs should either be turned off 1 hour after a business closes or by 10pm. Keeping signs on all night is a waste of energy and light pollution for our night skies. Also, if I see a sign on, it leads me to believe that the business is open.

Oro Valley should really get rid of the green signs only rule! It is very difficult to distinguish and see different businesses. Shopping centers look bland and boring with all green signs everywhere too.

Business need to be able to keep their signs on as they see fit.

If the Town imposes a time deadline for businesses, why not tell homeowners to turn their outside lights off, too? This is a bad idea. Let businesses keep thier (*sic*) lights on all night. They are paying for it.

The above-"business signage" questions appear to "fish" for an answer to support an agenda. Wouldn't it have been more neutral to have those questions multiple choice like the others?

I believe the lights should be off after a business closes, for the courtesy of surrounding (*sic*) residents and for the observatorys (*sic*) and the natural beauty of the stars.

I do not understand why it's necessary to have the lights on after 10 pm. In this economy isn't it better to save on the electricity?

Sandwich boards are ok if they are professionally done and kept in good condition. Do not like hand painted, messy signs or ones that look like they've been through many seasons without being cleaned up.

I do not like bright lights - they are very distracting while driving and they ruin the beautiful night skies that we have. Please continue to limit the amount of light that we are projecting into our skies.

no signs extending out from a building, no neon lights, no flags other than AZ and US and those should be limited in size and height

Keep them small. Size does NOT matter. They just show you where to park and what door to go into. Being able to see the stars at night is a real showoff blessing for OV residents to our visitors. When its gone its gone forever.

The unobtrusiveness of signs is a "quality of life" feature of Oro Valley that should be maintained. Moreover, our "dark sky" should be maintained.

The current signage code is fine. In keeping with the need for dark skies in this part of AZ, it is important to minimize light usage after sunset.

It's pretty simple to me. The businesses came to Town knowing what the sign code was (or should have). They should comply.

I moved to Oro Valley because Oracle (and La Canada and Rho V Blvd) is not like Speedway and in my humble opinion it should remain that way.

If a business is counting on someone driving by at 2am seeing a sign and returning at some later date for customers....maybe they should reconsider their business model.

p.s. - I happen to live fairly close to Oracle and drive through the Rooney Ranch/Steam Pump area all the time. I think the low key (compared to south Oracle Rd) look they have is definitely preferential.

Do not use signage except to locate the specific location of a business after I have made a decision to use their services / never see a sign and decide spur of the moment to visit the business.

Would prefer 1 hour after closing or midnight, whichever is the earliest time

Size of sign and design must be regulated. Lighted sign illumination (*sic*) output must be controlled (*sic*). OV does not need light pollution

All Business signage should be backlit. A great example is Home Depot, Fry's, Target, and Office Max on Oracle and First Ave.

The business signage at Tangerine Crossing should have never been allowed to fully illuminate their signs.

I want to continue enjoying the Dark night skys (*sic*) and the stars.

Oro Valley in my opinion is very business unfriendly. The cry is support the local business but the Town is so restrictive concerning business needs, I would understand why businesses wish not to open in OV.

I do not believe anyone who is out driving after 10pm is looking at business signs saying oh now I know where they are, let me drive in and check business (*sic*) hours. do not believe lighting except for security purposes is needed after 10pm.

As bad as the economy is currently, the Government should NOT stifle anything a business can do to bring patrons into their shops. I enjoy seeing business signs at night. When I am out to dinner or visiting friends, these signs stand out more and help me to locate business locations in the daylight. The entrepreneur spirit, that these businesses project, is comforting in these troubled economic times. As an Oro Valley Resident, I want new businesses to feel welcome to set up shop here and bring their profitable / taxable wares to our community.

In these difficult times, I think the rules should be relaxed to make the businesses survive. It's tough enough without overregulation to make it.

I like the idea that Oro Valley complies with the dark sky program.

My only concern would be interference with star gazing. Could these lights be low level or covered on top to prevent a lite sky? I don't want this to be a burden to the business community-I use lite (*sic*) signs and like them

They should be off after business hours. Why waste electricity, and why lighten up our beautiful, starry skies.

All signs should meet the codes that all previous businesses had to meet.

I think the current code is sufficient and allowing any larger signs will pollute the night sky.

Oro Valley is scaring businesses from establishing here. It is absurd to keep restricting signage when the residences are far away from the areas where businesses are established.

I like to support small business in Oro Valley and when I think about how I shop and identify shopping locations, I will often see a sign when I'm going to a restaurant at night and say to myself "oh, next time I need a postal store, here is one close to me".

All signs should be off unless the business is still open.

A-frame signs should not be used for daily signage; but instead limited to special occasions.

If Signs are only limited to a height then they need to be visible (*sic*) from the streets with no obstruction. Or if there are multiple business at a location like a plaza then all the names can be posted on 1 taller sign.

Signs - - THE SPEECH OF THE STREET

WE MUST BECOME MORE OF A BUSINESS FRIENDLY COMMUNITY. PEOPLE SEEM TO BE CONCERNED ABOUT PROPERTY TAXES. IF OUR BUSINESSES DO NOT SUCCEED (*sic*), WE WILL BE FACED WITH THE TAX SITUATION MUCH EARLIER.

1. Need to limit illumination level when it can be seen from residences.
2. Need to make an exception to allow rotating Barber Poles
3. Subdivisions should be allowed to have signage at ALL entrances.

Over use of too many signs would not be my suggestion.

Signs should be illuminated during business hours even if that exceeds the time of midnight. I think it is important for our city's economy, that the businesses are properly advertised with their signs at night because very often, a person is driving at night when it is dark, notices a sign for a business they were unaware was located there, and will end up going there another day.

Why have a code if it's being enforced?

We have enough economic headaches without depriving business of advertising their businesses with signs the Town required them to spend a bundle on in the first place. Let's get real!

Oro Valley has established sign codes and we are in favor of enforcing them. We don't see a reason to change or relax a code every time somebody has an objection.

Ok, to relax for a temporary time frame if the need is urgent or in an emergency.

## Business Sign Survey

### Business Open Ended Comments

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#### Comments regarding types of signs used

- We do not use signs of any sort
- Monument signage is entirely too small to be effective
- The sign is small, the amount of light generated is small
- We share a lighted monument sign with other tenants. We NEED the illuminated sign over our door on the side of the building so our clients can find our office in the evening. We also use a "for sale" in front of each of our properties for sale.
- I have independent contractors and set hours so am confused as to not having any set time to have my signs shut off. Almost afraid to have my ten thousand dollars signs burning at all.
- I have put a table in front of my center to promote foot-traffic from nearby businesses and provide info to potential families
- Color and size are too restrictive
- open house /model open signs
- Temporary A Frame Signs
- None. Signs are an eye sore.
- My proposal is to set a time of 2 am. This will allow those leaving bars or other late night venues to have signs and should cover all bases
- Our signs are real estate marketing signs

#### Comments regarding size of signs

- Oro Valley is entirely too restrictive on size of signs - its like you want to put us out of business (*sic*) which will result in lower city revenue!
- We are in the back row of the shopping center, our sign is hardly visible. We need walk-in business, as it is part of our business model---but we aren't allowed to use banners or A-frames, all we have is a tiny sign
- Used to not having any set time to have my signs shut off
- The color of my sign is NOT the branding color of Huntington Learning Center, I was told that I was NOT allowed to use the branding color.
- I think the size limitations are too small and installation of signage should not be encumbered with a design review board process
- Lack of Monument availability (*sic*) is hurting traffic
- It would be nice for people to see me easily from the road and not be confused when trying to find a business
- Signage is another form of free speech! (*sic*) Business pay for or lease a building, they should be able to use any size sign they need or want. No one stops others in making the biggest burger, or cookie or whatever.

**Comments regarding banner signage**

- We do special promotions, and cannot advertise them to people who drive by
- The limitations to the number of times per year is too restrictive
- I think banner signs should require approval for size, color and duration of being posted
- Business should be allowed to use banners without restrictions to promote their business and products
- We typically only use banners during construction to indicate

**Comments regarding application and fees**

- We applied to update our signage and should have been given information on the new code before we completed the application. We were never given the information other than when we build the bldg 4 years ago. Codes have changed
- Do not use Signs for our business
- Difficult to navigate the system--at this time I would not recommend Oro Valley as a site to another business owner
- Process takes much too long
- Back in 2000 it was a very trying experience
- Too much money for zero input
- The fees seem expensive compared to other cities.
- \$1000 annual A Frame Sign Permit is criminal
- Overly stringent on specific materials that are very costly
- We find that our costs of doing business in OV the most costly of any of the cities we work in
- I am not the one that submits the applications so I am unaware how they compare

**Comments regarding review and approval**

- Process takes much too long
- Anything can be done if "extra" fees are paid to push it through the system
- Very cumbersome
- Not sure how it is possible but it actually takes more time in OV than in the City of Tucson which is hard to believe because they are not very quick.
- I am not the one that submits the applications so i am unaware how they compare

**Comments regarding DRB Review**

- Process takes much too long
- They very seldom like anything the first time
- The process takes too long and staff does not do a very good job of advising people both how long the process is going to take and the steps needed to get there
- Attitude that they don't want business to succeed-no help
- I am not the one that submits the applications so i am unaware how they compare
- Our biggest issue with Oro Valley is the requirements pertaining to color and materials. Our business depends on our Identity and recognition by our clients Signage can be controlled and done tastefully while maintaining identity

**Comments regarding staff response time to businesses regarding signage**

- The overall philosophy in Oro Valley is obstructionist rather than promoting businesses that provide both the employment and revenue stream that underpin the economic stability of the Town
- Too bad they are not in charge
- They can sometimes be slow
- I have left 3 messages and have yet to receive a call back regarding A-Frames
- It depends on the day and project but overall it is cumbersome
- I am not the one that submits the applications so I am unaware how they compare

CC-300

Item #: 3.

**TC Special Session & Study Session**

**Date:** 10/27/2010

**Requested by:** Amanda Jacobs, Economic Development Manager

**Submitted By:** Amanda Jacobs, Town Manager's Office

**Department:** Town Manager's Office

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**Information**

**SUBJECT:**

Discussion Regarding Current Code, Sign Code Task Force Recommendations and Staff Recommendations Related to Real Estate Signs

**SUMMARY:**

At the October 13, 2010 Study Session, Council directed staff to create a table that summarizes the current Sign Code, the Sign Code Task Force Recommendations and Staff Recommendations related to Permitted Temporary Signs on Public Property - Real Estate Signs. The purpose of tonight's discussion is to review the quantity, location and duration for Permitted Temporary Signs on Public Property - Real Estate Signs.

**DISCUSSION:**

Attached is a summary table that describes:

- The Current Code related to the quantity, location and duration for Permitted Temporary Signs on Public Property - Real Estate Signs
- The Sign Code Task Force Recommendations related to the quantity, location and duration for Permitted Temporary Signs on Public Property - Real Estate Signs
- Staff Recommendations related to the quantity, location and duration for Permitted Temporary Signs on Public Property - Real Estate Signs, based on Council feedback from the September 8, 2010 Study Session

**FISCAL IMPACT:**

Undetermined at this time.

**CONCLUSION/RECOMMENDATION:**

Staff is seeking Council feedback on the proposed changes related to Permitted Temporary Signs on Public Property - Real Estate Signs.

**SUGGESTED MOTION:**

This report is provided for discussion only.

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**Attachments**

Link: [Real Estate Summary Table](#)

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**Attachment 1:  
Temporary Signs/Permitted Temporary Signs Public Property – Real Estate Signs**

<b><u>Sign Type:</u> Real Estate Signs</b>	<b><u>Current Code</u></b>	<b><u>Task Force Recommendations</u></b>	<b><u>Staff Recommendations</u></b>
<i>Quantity:</i>	Based on the number of each major change of direction	(Note: The intent of the new code remains the same, but the language has been revised for clarity). No more than one sign per change of road direction	Supports Task Force Recommendation
<i>Location:</i>	10 ft from edge pavement and prohibited in medians, sidewalks and clear zones	Unchanged from Current Code	Distance to edge of pavement: Local Streets: 5', Arterial/Collector Streets: 10' Can be closer with Town Engineer approval. All other restrictions of Current Code apply
<i>Duration:</i>	Daily; 7 a.m. – 7 p.m.	Friday, Saturday and Sunday only; 9 a.m. to 6 p.m.	Unchanged from Current Code