



STANDARD OPERATING POLICY AND PROCEDURE

Subject: Private Signs, Surface Messaging, and Memorial Markers in Right-of-way	Number: 100-01	Page: 1 of 4	Effective Date: 8/1/2016 Revised Date: 10/12/2020
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Approval: Ana M. Olivares, P. E., Director

A. PURPOSE

To set forth criteria, requirements and procedures under which the Department will consider placement of private signs, surface messaging, and memorial markers in public right-of-way.

B. AUTHORITY / BACKGROUND

The County Engineer is appointed the duly authorized representative of the Board of Supervisors (the "Board") with full power and authority to authorize on behalf of the Board and to supervise the use of the public highways and public drainage ways of this county for certain purposes other than authorized public travel or storm water conveyance.

(Ord. 1988-181 § 1(part), 1988: prior code §35.48.010, A.R.S. §11-251 Powers of board, County Code 10.44 Construction in County Rights-of-way, and 10.50 Regulations for use of the Public Right of Way)

C. DEFINITIONS

"Department" means Pima County Department of Transportation

"County Engineer" means the director of the Pima County Department of Transportation or assigned staff.

"Surface Messaging" means the placing of letters, numbers, words, symbols or images on the surface of a roadway by means of can paint, spray paint, chalk, etching tools or any other similar method.

D. PRIVATE SIGNS

Criteria:

The County Engineer may approve a private sign in the public right-of-way only if all of the following criteria are met.

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1. The portion of the right-of-way in which the sign is proposed to be located abuts private property that is owned or occupied by the person seeking to place the private sign in the right-of-way;
2. There is a physical condition on the abutting property that is unusual or peculiar to the abutting property that limits the visibility of private signs on the abutting property;
3. Prohibition of the sign in the right-of-way would create an unnecessary hardship to the owner or occupant of the abutting property;
4. The request is not in conflict with state or federal law or other provisions of the Pima County Code;
5. The sign will not impact traffic safety, capacity, functional utility of the street system or maintenance activities.

Requirements:

If a private sign in the public right-of-way is approved, it must meet the following placement and design requirements,

1. Placement in the right-of-way shall not interfere with access, maintenance, and operation of public highways, drainage ways, thoroughfares, and facilities of the County and other parties licensed to operate within public right-of-way;
2. Placement in the right-of-way shall not interfere with the visibility of traffic signs, traffic signals, or other governmental signs;
3. Sight visibility triangles and clear zones shall not be obstructed;
4. Private signs may be internally illuminated; however, they shall not create a distraction or safety hazard and must comply with all applicable regulations, including the Outdoor Lighting Code Moving parts, emitting sound, or features that distract motorists or pedestrians are prohibited;
5. Private signs in the right-of-way shall not be temporary except those allowed by law;
6. Private signs shall not be placed in the roadway median;
7. Private signs shall not present a hazard to motorists, bicyclists, or pedestrians;
8. Nothing in this section shall be deemed to waive the requirements of Chapter 18.79 Sign Standards. All signs approved for placement in the right-of-way by Pima County Department of Transportation shall comply with the development standards in Section 18.79.100 (E) of the Pima County Code and shall obtain all required sign or building permits from Pima County Development Services.

Procedure:

1. Application for placement of a private sign in public right-of-way shall be made to the County Engineer by submitting for a license agreement to Real Property Services and a building permit to Development Services. The application shall include a legal description and proof of ownership or occupancy of the abutting property, a plot plan identifying the

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proposed location of the sign within the right-of-way, a dimensioned plan indicating the size of the sign and sign copy, and a letter justifying the request.

2. The Department of Transportation will review the request as part of the license agreement process prior to processing for Board consideration. The license agreement must be approved by the Board. Unless a reduced amount is approved by Risk Management Department, a \$5,000,000 commercial general liability insurance policy to cover the intended sign must be provided. The policy shall name Pima County as an additional insured and an original Certificate of Insurance must be returned with the license agreement. (Refer to Pima County, Board of Supervisors Policy, F54.3 for further requirements).
3. Upon approval of the license agreement by the Board and prior to any sign installation activities, the applicant shall obtain the required sign or building permits from Pima County Development Services, and a right-of-way use permit from the Department of Transportation. Application for sign and building permits shall be made to Pima County Development Services at the same time as the application for license agreement. Sign and building permit issuance will not occur until the license agreement has been approved by the Board.
4. The County may remove any private sign that is not licensed or that is prohibited by law. The cost of removal will be borne by the party responsible for placement of the private sign.

E. MESSAGING ON RIGHT-OF-WAY SURFACE

1. Surface Messaging, as defined in Part C above, is prohibited within public right-of-way.

F. MEMORIAL MARKERS

1. May be placed within public right-of-way as long as they are maintained and do not pose a safety hazard, block sight visibility, or interfere with the operation and maintenance of the right-of-way.
2. May be relocated or removed by the Department at its discretion at any time when deemed necessary.
3. Families or loved ones should be contacted if at all possible when memorial markers are removed or relocated.
4. Memorial markers removed by the Department are to be stored for 60 days at the County's warehouse facility at 1313 S. Mission Road. Markers not claimed will be disposed of.
5. Not permitted within medians or within 20-feet of the edge of pavement.
6. Limited to memorials relating to traffic-related fatalities that occurred in the right-of-way, at or close to the site of the fatality.

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7. Shall be no more than 30-inches high and no wider than 18-inches. The embedment/foundation cannot be more than 12-inches deep and concrete or metal footings are not allowed.

Revised 10/12/2020 to include Surface Messaging and Memorial Markers.