

Chapter 49 Maintenance, Removal, Disposal, Violations, and Enforcement

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11-49-1: Maintenance

- A. **General Provisions.** All conforming and legal nonconforming signs and sign structures, shall be maintained according to this Chapter. It is unlawful for a sign or sign structure to remain in a damaged, deteriorated condition that constitutes a danger or hazard to public safety or a visual blight. All signs shall be maintained to the following standards of structural repair and visual appearance:
1. All structural and nonstructural components are positioned and secured in accordance with approved plans for the sign;
 2. Any deteriorated, damaged, or weakened components are promptly repaired or replaced;
 3. All sign copy and painted surfaces of a sign are free of chipping, peeling, rusting or other oxidation of metals, and fading of colors, as detectable from beyond the lot boundary or within fifty (50) feet of the sign, whichever is less;
 4. Components composed of plastic, acrylic, and other artificial or non-organic material compositions are free of cracks, holes, buckling, or any other condition affecting the strength and stability of the component, as detectable from beyond the lot boundary or within fifty (50) feet of the sign, whichever is less; and
 5. Electrical signs are maintained in working order. Minimum maintenance requirements for electrical signs and electrical systems include but are not limited to: prompt removal and replacement of all defective bulbs, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring and diodes, and malfunctioning control devices and related circuitry.
- B. If a permit is required per Title 4 of the City Code for any sign or sign structure maintenance or repair activities, the permit must be obtained prior to commencing work.

11-49-2: Deteriorated Signs

- A. A sign that is damaged or deteriorated:
 - 1. Constitute a danger or hazard to public safety, and
 - 2. A sign is considered visual blight, particularly when the following conditions are present:
 - a. The sign is not repaired shortly after being damaged, and remains damaged;
 - b. A sign continues to deteriorate, generally because of lack of basic maintenance or repair; or
 - c. A sign cannot fully function or operate as designed, generally because of a lack of basic maintenance or repair.
- B. A sign that remains damaged, deteriorated, or shows evidence of a lack of basic maintenance is prohibited.
- C. Evidence of lack of basic maintenance shall include, but is not limited to:
 - 1. Peeling, faded or deteriorating paint;
 - 2. Cracked damaged, rusting or missing parts, posts or sign cabinets;
 - 3. Incomplete, uneven or partial illumination (applicable to signs intended as illuminated), including non-functional light sources;
 - 4. Faded, cracked, or damaged sign panels;
 - 5. Any condition affecting the strength and stability of the component;
 - 6. Electric signs no longer in working order, including: defective bulbs, tubes, neon light segments, damaged or deteriorating electrical wiring, and malfunctioning control devices and related circuitry.

11-49-3: Penalties for Lack of Sign Maintenance

It is a violation of this Sign Ordinance for the owner of a sign to fail to maintain, repair or replace defective, malfunctioning, or broken parts of the sign, as described in this Chapter.

11-49-4: Removal of Signs

- A. **Declaration of a Public Nuisance.** A sign is a public nuisance when in violation of the requirements of the Mesa City Code.
- B. **Notice.** Before removing or bringing action to require the removal of any illegal, prohibited, or nonconforming sign, except for those signs in Sub-section D below, the City Manager or designee shall provide notice to the owner of the sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the penalties. The notice shall include what repairs or maintenance, if any, will make the sign conform to the requirements of the City Code. The

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notice shall specify that the sign must be removed or made to conform with the requirements of the Mesa City Code within the time-period identified in this Chapter. Service of notice shall be by any of the following methods:

1. By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager, or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;
 2. By certified or registered mail;
 3. Hand delivery to the record owner, occupant, agent, manager, or responsible person of the premises where the violation occurred, or to the person responsible for the violation;
 4. By publication; or
 5. By serving the owner, occupant, agent, manager, or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.
- C. **Notice Period.** The notice period for permanent signs is twenty-eight (28) days and the notice period for portable signs is three (3) days. If the owner or lessee of the premises where the sign is located has not complied with this Chapter by the end of the notice period, the City Manager or designee may pursue enforcement as authorized in Section 11-49-5 of this Sign Ordinance.
- D. **Notice Not Required.** The City Manager or designee is not required to provide written notice before removing or bringing action to require the removal of the following:
1. A sign that is placed within the right-of-way in violation of this Sign Ordinance;
 2. A Prohibited or illegal sign placed on public property;
 3. A sign that creates an immediate threat to public safety; and
 4. A sign that is dangerous or defective.
- E. **Removal of Signs.** The City Manager, or designee, is authorized to remove any sign posted in violation of this Sign Ordinance that are not removed or replaced by the owner or other responsible party when required in accordance with the provisions of this Sign Ordinance. The City may also file a civil complaint against the person who posted the sign to recover the costs of removing the sign.
- F. **Disposal of Signs.** A sign removed in accordance with this Chapter may be impounded as evidence, or disposed of as abandoned property, unless claimed by the owner within thirty (30) days. Any sign removed by the City Manager or designee, pursuant with the provisions of this Sign Ordinance, shall become the property of the City and may be disposed in any manner deemed appropriate by the City. The cost of removal of the sign by the City is considered a debt owed to the City by the owner of the sign and the owner of the property, and is recoverable in an appropriate court action by the City, or by assessment against the property in accordance with

Chapter 79 of the Zoning Ordinance. The cost of abatement or removal shall include any and all incidental expenses incurred by the City in connection with the sign abatement or removal.

11-49-5: Violations

- A. It is unlawful and constitutes a public nuisance for any person, firm, or corporation to construct, place, install, alter, change, maintain, or use any sign contrary to or in violation of any provision:
 - 1. Of this Sign Ordinance;
 - 2. Designated as a condition of approval of a land use action required by the Zoning Ordinance; or
 - 3. Designated as a condition of approval for a sign or building permit.

- B. The installation, construction, or display of any illegal or prohibited sign is unlawful and a violation of this Sign Ordinance.

11-49-6: Enforcement

Enforcement of the provisions of this Sign Ordinance shall be pursuant to the provisions contained in Chapter 79 of the Zoning Ordinance.