

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2345

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 33-1261, Arizona Revised Statutes, is amended to  
3 read:

4 33-1261. Flag display; for sale signs; political petitions;  
5 applicability

6 A. Notwithstanding any provision in the condominium documents, an  
7 association shall not prohibit the outdoor display of any of the following:

8 1. The American flag or an official or replica of a flag of the United  
9 States army, navy, air force, marine corps or coast guard by a unit owner on  
10 that unit owner's property if the American flag or military flag is displayed  
11 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;  
12 4 United States Code sections 4 through 10).

13 2. The POW/MIA flag.

14 3. The Arizona state flag.

15 4. An Arizona Indian nations flag.

16 B. The association shall adopt reasonable rules and regulations  
17 regarding the placement and manner of display of the American flag, the  
18 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian  
19 nations flag. The association rules may regulate the location and size of  
20 flagpoles but shall not prohibit the installation of a flagpole.

21 C. Notwithstanding any provision in the condominium documents, an  
22 association shall not prohibit the indoor or outdoor display of a for sale  
23 sign and a sign rider by a unit owner on that owner's property, including a  
24 sign that indicates the unit owner is offering the property for sale by  
25 owner. The size of a sign offering a property for sale shall be in  
26 conformance with the industry standard size sign, which shall not exceed  
27 eighteen by twenty-four inches, and the industry standard size sign rider,  
28 which shall not exceed six by twenty-four inches. **WITH RESPECT TO REAL  
29 ESTATE FOR SALE IN THE CONDOMINIUM, AN ASSOCIATION SHALL NOT PROHIBIT OR  
30 OTHERWISE REGULATE ANY OF THE FOLLOWING:**



1           3. The Arizona state flag.

2           4. An Arizona Indian nations flag.

3           B. The association shall adopt reasonable rules and regulations  
4 regarding the placement and manner of display of the American flag, the  
5 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian  
6 nations flag. The association rules may regulate the location and size of  
7 flagpoles but shall not prohibit the installation of a flagpole.

8           C. Notwithstanding any provision in the community documents, an  
9 association shall not prohibit the indoor or outdoor display of a political  
10 sign by an association member on that member's property, except that an  
11 association may prohibit the display of political signs earlier than  
12 forty-five days before the day of an election and later than seven days after  
13 an election day. An association may regulate the size and number of  
14 political signs that may be placed on a member's property if the  
15 association's regulation is no more restrictive than any applicable city,  
16 town or county ordinance that regulates the size and number of political  
17 signs on residential property. If the city, town or county in which the  
18 property is located does not regulate the size and number of political signs  
19 on residential property, the association shall permit at least one political  
20 sign with the maximum dimensions of twenty-four inches by twenty-four inches  
21 on a member's property. For the purposes of this subsection, "political  
22 sign" means a sign that attempts to influence the outcome of an election,  
23 including supporting or opposing the recall of a public officer or supporting  
24 or opposing the circulation of a petition for a ballot measure, question or  
25 proposition or the recall of a public officer.

26           D. Notwithstanding any provision in the community documents, an  
27 association shall not prohibit the use of cautionary signs regarding children  
28 if the signs are used and displayed as follows:

29           1. The signs are displayed in residential areas only.

30           2. The signs are removed within one hour of children ceasing to play.

31           3. The signs are displayed only when children are actually present  
32 within fifty feet of the sign.

1           4. The temporary signs are no taller than three feet in height.

2           5. The signs are professionally manufactured or produced.

3           E. Notwithstanding any provision in the community documents, an  
4 association shall not prohibit children who reside in the planned community  
5 from engaging in recreational activity on residential roadways that are under  
6 the jurisdiction of the association and on which the posted speed limit is  
7 twenty-five miles per hour or less.

8           F. Notwithstanding any provision in the community documents, an  
9 association shall not prohibit the indoor or outdoor display of a for sale  
10 sign and a sign rider by an association member on that member's property,  
11 including a sign that indicates the member is offering the property for sale  
12 by owner. The size of a sign offering a property for sale shall be in  
13 conformance with the industry standard size sign, which shall not exceed  
14 eighteen by twenty-four inches, and the industry standard size sign rider,  
15 which shall not exceed six by twenty-four inches. **WITH RESPECT TO REAL  
16 ESTATE FOR SALE IN THE PLANNED COMMUNITY, AN ASSOCIATION SHALL NOT PROHIBIT  
17 OR OTHERWISE REGULATE ANY OF THE FOLLOWING:**

18           1. **TEMPORARY OPEN HOUSE SIGNS OR A UNIT OWNER'S FOR SALE SIGN. THE  
19 ASSOCIATION SHALL NOT REQUIRE THE USE OF PARTICULAR SIGNS INDICATING AN OPEN  
20 HOUSE OR REAL PROPERTY FOR SALE AND MAY NOT FURTHER REGULATE THE USE OF OPEN  
21 HOUSE OR TEMPORARY FOR SALE SIGNS THAT ARE INDUSTRY STANDARD SIZE AND THAT  
22 ARE OWNED OR USED BY THE SELLER OR THE SELLER'S AGENT.**

23           2. **OPEN HOUSE HOURS. THE ASSOCIATION MAY NOT LIMIT THE HOURS FOR AN  
24 OPEN HOUSE FOR REAL ESTATE THAT IS FOR SALE IN THE PLANNED COMMUNITY, EXCEPT  
25 THAT THE ASSOCIATION MAY PROHIBIT AN OPEN HOUSE BEING HELD BEFORE 8:00 A.M.  
26 OR AFTER 6:00 P.M.**

27           G. Notwithstanding any provision in the community documents, an  
28 association shall not prohibit but may reasonably regulate the circulation of  
29 political petitions, including candidate nomination petitions or petitions in  
30 support of or opposition to an initiative, referendum or recall or other  
31 political issue on property dedicated to the public within the association.  
32 A planned community is not required to comply with this ~~section~~ **SUBSECTION** if

1           the planned community restricts vehicular or pedestrian access to the planned  
2           community. Nothing in this ~~section~~ SUBSECTION requires a planned community  
3           to make its common elements available for the circulation of political  
4           petitions to anyone who is not an owner or resident of the community."

FRANK R. ANTENORI

2345-se-antenori  
2/11/10  
8:31 AM  
H:ac