

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 75

SENATE BILL 1055

AN ACT

AMENDING SECTIONS 33-1261 AND 33-1808, ARIZONA REVISED STATUTES; RELATING TO
CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 33-1261. Flag display; applicability

5 A. Notwithstanding any provision in the condominium documents, an
6 association shall not prohibit the outdoor display of ANY OF THE FOLLOWING:

7 1. The American flag OR AN OFFICIAL OR REPLICA OF A FLAG OF THE UNITED
8 STATES ARMY, NAVY, AIR FORCE, MARINE CORPS OR COAST GUARD by a unit owner on
9 that unit owner's property if the American flag OR MILITARY FLAG is displayed
10 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;
11 4 United States Code sections 4 through 10).

12 2. THE POW/MIA FLAG.

13 3. THE ARIZONA STATE FLAG.

14 4. AN ARIZONA INDIAN NATIONS FLAG.

15 B. The association shall adopt reasonable rules and regulations
16 regarding the placement and manner of display of the American flag, THE
17 MILITARY FLAG, THE POW/MIA FLAG, THE ARIZONA STATE FLAG OR AN ARIZONA INDIAN
18 NATIONS FLAG. The association rules may regulate the location and size of
19 flagpoles but shall not prohibit the installation of a flagpole.

20 ~~B-~~ C. This section does not apply to timeshare plans or associations
21 that are subject to chapter 20 of this title.

22 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to read:

23 33-1808. Flag display; political signs

24 A. Notwithstanding any provision in the community documents, an
25 association shall not prohibit THE OUTDOOR DISPLAY OF any of the following:

26 1. The ~~outdoor display of the~~ American flag OR AN OFFICIAL OR REPLICA
27 OF A FLAG OF THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS OR COAST
28 GUARD by an association member on that member's property if the American flag
29 OR MILITARY FLAG is displayed in a manner consistent with the federal flag
30 code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

31 2. THE POW/MIA FLAG.

32 3. THE ARIZONA STATE FLAG.

33 4. AN ARIZONA INDIAN NATIONS FLAG.

34 B. The association shall adopt reasonable rules and regulations
35 regarding the placement and manner of display of the American flag, THE
36 MILITARY FLAG, THE POW/MIA FLAG, THE ARIZONA STATE FLAG OR AN ARIZONA INDIAN
37 NATIONS FLAG. The association rules may regulate the location and size of
38 flagpoles but shall not prohibit the installation of a flagpole.

39 ~~2-~~ C. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
40 ASSOCIATION SHALL NOT PROHIBIT the indoor or outdoor display of a political
41 sign by an association member on that member's property, except that an
42 association may prohibit the display of political signs earlier than
43 forty-five days before the day of an election and later than seven days after
44 an election day. An association may regulate the size and number of
45 political signs that may be placed on a member's property if the

1 association's regulation is no more restrictive than any applicable city,
2 town or county ordinance that regulates the size and number of political
3 signs on residential property. If the city, town or county in which the
4 property is located does not regulate the size and number of political signs
5 on residential property, the association shall permit at least one political
6 sign with the maximum dimensions of twenty-four inches by twenty-four inches
7 on a member's property. For the purposes of this paragraph, "political sign"
8 means a sign that attempts to influence the outcome of an election, including
9 supporting or opposing the recall of a public officer or supporting or
10 opposing the circulation of a petition for a ballot measure, question or
11 proposition or the recall of a public officer.

APPROVED BY THE GOVERNOR APRIL 10, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2006.