

**TOWN OF PRESCOTT VALLEY**  
**Request for Council Action**  
**Date: May 12, 2016**

**SUBJECT:** Proposed Amendments to Sign Regulations – ZOA16-001

**SUBMITTING DEPARTMENT:** Community Development Department

**PREPARED BY:** Fernando Gonzalez, Code Enforcement Supervisor, for Richard T. Parker,  
Community Development Director

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** a) Ord No. 816, b) Res No. 1963, and c) "Amendments to Sign Regulations"

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**DISCUSSION:** This is a public hearing to consider amending the Town's sign regulations to conform to the U.S. Supreme Court's ruling in *Reed v. Gilbert*.

In 2015, the U.S. Supreme Court ruled in *Reed v. Gilbert* that municipal sign codes regulating signs based on the message they convey (or the content) violate the right to free speech guaranteed by the First Amendment. Practically applied, if a sign code prohibits temporary signs in the public right-of-way generally, but makes exceptions for certain signs (e.g. garage sale signs, open-house signs), the regulation is not content neutral and violates the First Amendment. On the other hand, a regulation that restricts the time, manner or place of signs (regardless of the message) complies with *Reed* and First Amendment guarantees.

Based on the *Reed* ruling, staff reviewed the Town's sign regulations and now proposes amendments to the Town Code to repeal regulations that are based on the content of a sign and enact provisions to regulate the time, place and manner of all signs within the Town boundaries.

The Planning and Zoning Commission considered the proposed amendments at its April 11, 2016 meeting and voted unanimously to forward the same to the Town Council and recommend approval.

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**OPTIONS ANALYSIS:** The Town Council may approve this Town Code amendment, direct staff to address additional concerns prior to approval, or decline to approve these amendments.

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**ACTION OPTION:** (a) Motion to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1963 declaring the document "Amendments to Sign Regulations" to be a public record for adoption by reference, **OR** Motion not to approve Resolution No. 1963. **VOTE.**

(b) Motion to read Ordinance No. 816 by title only on two separate occasions, and then place the same on final passage, **OR** Motion not to read Ordinance No. 816. **VOTE.**

[if the vote is in favor of reading Ordinance No. 816, the Mayor asks the Town Clerk to read the Ordinance once by title only for the first reading]

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**RECOMMENDATION:** Staff recommends approval of the proposed Amendments to Sign Regulations.

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**FISCAL ANALYSIS:** Staff does not believe that the proposed amendments have any direct financial impact.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved    Denied    Tabled/Deferred    Assigned to \_\_\_\_\_