

ORDINANCE NO. 816

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO SIGN REGULATIONS" (DECLARED BY RESOLUTION NO. 1963 TO BE A PUBLIC RECORD), AMENDING SECTIONS 7-01-140 "PERMITS AND INSPECTIONS," 10-01-130 "SIGNS AND BANNERS," 13-06-020 "USE REGULATIONS," 13-11-050 "SIGNS," AND ARTICLE 13-23 "SIGN REGULATIONS" TO CONFORM WITH A RECENT DECISION OF THE U.S. SUPREME COURT; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Prescott Valley Town Council adopted Ordinance No. 178 on May 26, 1988, enacting a new Town Code which included Article 13-23 "SIGN REGULATIONS" in Chapter 13 "ZONING"; and

WHEREAS, the Council subsequently adopted Ordinance No. 220 on December 14, 1989, repealing and re-enacting Article 13-23 "SIGN REGULATIONS"; and

WHEREAS, the Council adopted Ordinance 542 on April 10, 2003, amending Article 13-23 to update the sign regulations and make them more comparable to those in surrounding communities (including a change to a table format); and

WHEREAS, the Council adopted Ordinance No. 686 on May 24, 2007, amending Article 13-23 to further accommodate signage for certain special commercial events, open houses and garage sales; and

WHEREAS, the Council adopted Ordinance No. 767 on February 23, 2012, amending Article 13-23 to conform with the enactment of an Arizona statute prohibiting the removal of political signs in the public rights-of-way during specified election periods; and

WHEREAS, the Council adopted Ordinance No. 771 on November 8, 2012, to (among other things) provide for comprehensive sign packages for developments comprising twenty-five acres or more; and

WHEREAS, in 2015, the U.S. Supreme Court ruled in *Reed v. Gilbert* that municipal sign codes that regulate signs based on the message they convey (or the content) violate the right to free speech guaranteed by the First Amendment; and

WHEREAS, the Town Council desires to amend the Town Code to conform with the *Reed v. Gilbert* ruling; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on these proposed Zoning Code amendments at its regular meeting held April 11, 2016, and voted thereafter to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Town Council has considered this recommendation at its regular meetings held May 12, 2016 and May 26, 2016; and

WHEREAS, the Town Council finds that these proposed amendments to the Town Code promote the health, safety and welfare of the community; and

WHEREAS, ARS 9-802 provides for the adoption by reference of particularly lengthy or complex ordinances when they are declared to be “public records;” and

WHEREAS, the document adopting the amendments to the Town’s sign regulations has been declared by Resolution No. 1963 to be a public record;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document entitled “Amendments to Sign Regulations” declared to be a “public record” by Resolution No. 1963 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), be hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That the following penalty clause contained in Section 13-23-110 "Enforcement" is hereby amended and set forth as follows:

13-23-110 Enforcement.

A. Enforcement:

...

2. Unauthorized signs may be removed from any public right-of-way by the Zoning Inspector, except as otherwise provided ~~herein by law~~. Such signs will be impounded and will be disposed of in thirty (30) days if not claimed by the owner.

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(Ord. No. 9, Enacted, 06/28/79; Ord. No. 37, Renumbered, 09/04/80, 13-22-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 220, Ren&Amd, 12/14/89, 13-23-060; Ord. No. 542, Rep&ReEn, 04/10/03; Ord. No. 648, Amended, 01/26/06; Ord. No. 816, Amended, 05/26/16)

SECTION THREE. That all other Chapters, Articles and Sections of the Town Code, not herein amended, shall remain in full force and effect.

SECTION FOUR. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FIVE. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 26th day of May, 2016.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney