

## **ORDINANCE NO. 874**

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. 2128 TO BE A PUBLIC RECORD), AMENDING SECTION 13-02-010 "DEFINITIONS" AND ARTICLE 13-23 "SIGN REGULATIONS" IN CHAPTER 13 "ZONING" TO FURTHER CLARIFY SIGN REGULATIONS IN RELATION TO NEW FORMS OF EXPRESSION THROUGH SIGNS AND EVOLUTION OF 1<sup>ST</sup> AMENDMENT CASE LAW WITH REGARD TO SUCH THINGS AS ELECTRONIC MESSAGE CENTERS, FLAGS AND TEMPORARY SIGNS (INCLUDING BANNERS); 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, re-codifying the Town Code and including (among other things) 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 No. 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 physical removal of political signs found in the public rights-of-way as an enforcement mechanism 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 (25) acres or more; and

WHEREAS, the Council adopted Ordinance No. 816 on May 26, 2016, amending Article 13-23 in an effort to respond to the U.S. Supreme Court ruling in *Reed v. Gilbert* that

suggested municipal codes that traditionally categorized signs based on types of messages violated guarantees of free speech under the First Amendment; and

WHEREAS, as sign technology and preferences have changed (and as the Town has watched the development of federal case law since the ruling in *Reed v Gilbert* and how other communities in Arizona and nationwide have responded), it has been determined that the Town sign regulations should be reviewed again and clarified further (particularly in relation to electronic message centers in commercial areas, and flags and temporary signs (including banners) in residential and commercial areas and public rights-of-way; and

WHEREAS, the Prescott Valley Planning and Zoning Commission held a public hearing on these proposed Zoning Code amendments at its regular meeting held February 10, 2020, and voted thereafter to forward the same to the Town Council with a recommendation of approval; and

WHEREAS, the Town Council has also held a public hearing and further considered this recommendation at its regular meetings held on March 12, 2020 and March 26, 2020; 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 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. 2128 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:

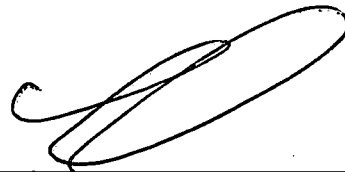
SECTION ONE. That that certain document entitled “Amendments to Sign Regulations” declared to be a “public record” by Resolution No. 2128 (and available for public inspection in the Office of the Town Clerk, 7501 East Skoog Blvd., Prescott Valley, Arizona, 86314), be hereby referred to, adopted, and made a part hereof as if fully set forth herein.

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

SECTION THREE. 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 FOUR. 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 26<sup>th</sup> day of March, 2020.



Kell Palguta, Mayor

ATTEST:



Fatima Fernandez, Acting Town Clerk

APPROVED AS TO FORM:



Ivan Legler, Town Attorney

