

# UPDATE TO SIGN CODE

Post U.S. Supreme Court  
Decision in Reed v. Gilbert



---

CITY OF APACHE JUNCTION

PLANNING AND ZONING COMMISSION – JANUARY 12, 2016



# Overview

---

- Reed v. Gilbert
  - History
  - Challenges
  - 10 Regulatory Principles
- Prescott
- Flagstaff
- What we're working on...

# Reed v. Gilbert Summary



- Reed operated a small church in Gilbert that met at a different location each week.
- Reed would put out a small sign in front of the new building.
- Gilbert's sign code would only allow Reed to put the sign out 12 hours before the meeting.
- So if the meeting was at 9 a.m. the earliest he could put the sign out was at 9 p.m.
- Reed sued and the U.S. Supreme Court ruled that cities cannot regulate signs based on the message they display.\*



# Reed v. Gilbert cont.

---



Post Reed, municipalities must consider signs as  
**“constitutionally protected free speech”**  
rather than as a land use.\*



# Challenges\*

---

- “Sign Regulation is one of the more vexing tasks that a local government faces on a routine basis.”
- The challenge when regulating signs is to balance:
  - Myriad of legal issues-along with Reed
  - Traffic safety
  - Aesthetics/Policies
  - Economic
  - Business and Institutional needs
  - Neighborhood Groups...

# 10 Regulatory Principles Post Reed\*



1. Interim-avoid content-based enforcement/permit review
2. Content Neutral
3. A sign ordinance should contain a substitution clause
4. A sign ordinance should contain a severability clause
5. Minimize categories-temporary signs
6. Minimize categories-other signs
7. State purpose/rationale in detail at start of code
8. Clearly define all critical words and phrases
9. Minimize exemptions
10. Simplify the regulatory scheme



# First Amendment Concepts\*

---

- Content (or message) neutrality
- Time, place or manner regulations
- Bans and exceptions
- Off-site vs. on-site signs
- Commercial vs. non-commercial speech
- Permits and prior restraints
- Vagueness and Overbreadth

# Prescott, Arizona



- Currently, the city's code generally prohibits signs in the public rights-of-way, but provides for a number of exceptions, such as sidewalk-sale signs, sandwich signs, off-site signs promoting transient events and sales, and campaign signs that follow a number of criteria.\*
- Council is leaning towards a complete ban on temporary signs in the public right-of-way
- Council discussed need to comply with Reed

## The Daily Courier

home : latest news : local



January 05, 2016

[f Like](#) [Share](#) [0](#) [t Tweet](#) [G+1](#) [Recommend this on Google](#)

1/4/2016 6:00:00 AM

### Sign ban on Prescott City Council agenda

The Daily Courier

PRESOTT - Exceptions to the city of Prescott's general ban of signs in its rights-of-way could go away under an ordinance currently under consideration.

The Prescott City Council will discuss tightening up its sign code during a workshop at 3 p.m. Tuesday, Jan. 5, at Prescott City Hall, 201 S. Cortez St.

A memo from the city legal department notes that the discussion would be a continuation of the topic that has been on the council agenda in recent months.

In early December, council members appeared to support a complete ban of signs in the city's





# Flagstaff, Arizona



- Zoning Code Administrator recommended:
  - Council prohibit all signs in a city right-of-way
  - Allow business owners to put up a temporary sign without getting a permit from the city
  - Temporary signs must be removed by the close of business
  - Permits for wall banners for 30 day maximum
  - Size limits on signs: 32 square feet total

## Sign code returns to Flagstaff City Council agenda

See it in Print

Recommend

0

Tweet

G+1

0

Share

1

Print

Email

☆



Taylor Mahoney

Councilmember Jeff Oravits listens to an answer from staff at a recent Flagstaff City Council meeting.

Buy Now

December 14, 2015 9:45 am • SUZANNE ADAMS-OCKRASSA Sun Staff Reporter

0 Comments

# What we've done

---



## Jim Carpenter's top 10 list

- |  |   |
|--|---|
| 1. Interim-avoid content-based enforcement/permit review | 1. Enforcement, low priority  |
| 2. Content Neutral                                       | 2. City Attorney made initial review comments on existing sign code |
| 3. A sign ordinance should contain a substitution clause | 3. Drafted substitution clause                                      |
| 4. A sign ordinance should contain a severability clause | 4. Drafted severability clause                                      |
| 5. Minimize categories-temporary signs                   | 5. Not yet –  |
| 6. Minimize categories-other signs                       | 6. Not yet –  |
| 7. State purpose/rationale in detail at start of code    | 7. Drafted new “purpose statement”                                  |
| 8. Clearly define all critical words and phrases         | 8. Not yet  |
| 9. Minimize exemptions                                   | 9. Started this review  |
| 10. Simplify the regulatory scheme                       | 10. Contemplating a simpler approach                                |



# What's Next?

---

- Incorporate City Attorney review comments on existing sign code
- Work very closely with Joel!
- Continue Drafting/redrafting Content-neutral language
- Simplify permitting scheme
- Pare back Exempt Signs
- Revisit Prohibited Signs
- Revisit Definitions



# Discussion/Questions?

---

- Review our current code (in the packet)
- Will be bringing back the first draft for your review/discussion as soon as we can