



# MEMORANDUM

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**TO:** Mayor and City Councilors

**FROM:** Rich Olson, City Manager  
June Brooks, Planning & Community Development

**DATE:** August 4, 2015

**REF:** Discussion - Supreme Court Ruling regarding Temporary Signs

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***BACKGROUND:***

On July 24, 2015, I provided a memorandum to you concerning the Supreme Court decision of *Reed v. Town of Gilbert, Arizona*, which has had an impact on all jurisdictions across the nation. This case impacts local sign ordinances. The Town of Gilbert, Arizona differentiated between temporary signs. The court ruled this type of distinction unconstitutional and now jurisdictions must change their ordinances. The School of Government posted a brief analysis on this case to help local jurisdictions determine if their sign ordinances would need to be amended. In essence, cities have to determine if their ordinance distinguishes among noncommercial sign types (political v. ideological v. religious). Those types of distinctions are unconstitutional and must be changed. Cities still have the authority to regulate content-neutral signs (size, building materials, lighting, moving parts, portability, etc.)

Staff identified that our ordinance will need to be amended concerning Temporary Signs. Those signs relate to such events as elections, farm auctions, yard sales, agricultural production sales, horse shows, festivals and home show openings. These signs are permitted in all zoning districts 30 days prior to an event and must be taken down 10 days after the event.

The City allows political campaign signs to be posted on 14 City-owned parcels. By specifying political campaign signs under the term of Temporary Signs and not allowing other types of signs as defined, this is now considered unconstitutional. Either our ordinance needs to be amended to allow all Temporary Signs on these 14 sites, or an action needs to be taken to repeal this section of the City Code. There is also an inconsistency with the length of time on City sites and length of time for other locations. Any direction the City Council provides staff will not affect the upcoming municipal election.

Planning staff has been involved with one webinar concerning this issue, which reaffirms the need to amend our ordinance. A second webinar is scheduled for later this month.

***STAFF RECOMMENDATION:***

Staff is seeking direction from the City Council in order that we may move expeditiously and bring an amendment back for your action.

RCO/vdw