

**ORDINANCE 2016-01**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A TEXT AMENDMENT TO THE SURPRISE MUNICIPAL CODE PERTAINING TO POLITICAL SIGNS.**

**WHEREAS**, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

**WHEREAS**, the U.S. Supreme Court rendered a decision regarding Reed v. Town of Gilbert;

**WHEREAS**, the Arizona Attorney General rendered an opinion regarding the constitutionality of ARS § 16-1019 in light of the Reed decision;

**WHEREAS**, the Surprise Municipal Code currently regulates political signs; and

**WHEREAS**, in the opinion of the City Attorney of the City of Surprise, the City could face legal challenges with regard to the enforcement of the Surprise Municipal Code with respect to political signs.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Surprise, Arizona, as follows:

**Section 1.** The Chapter 113 of the Surprise Municipal Code is hereby amended to delete reference to political signs or similar language as expressed in the attached Exhibit A, incorporated herein by reference.

**Section 2.** This ordinance will become effective at the time and manner prescribed by law.

**PASSED AND ADOPTED** this 1 day of March, 2016.

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Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

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Sherry Aguilar, City Clerk

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Robert Wingo, City Attorney

## EXHIBIT A

### Chapter 113 - SIGNS

#### ARTICLE I. – IN GENERAL

##### Sec. 113-2 Definitions:

Remove “political speech” from the definition of “Noncommercial speech”:

Noncommercial speech: Constitutionally protected speech such as ~~political speech or~~ ideological speech that contains neither advertising copy nor obscene material or language. Signs containing only noncommercial speech shall always be considered on-premises.

Delete the definition of “Political sign”:

~~Political sign: A temporary sign used to advertise the candidacy of an individual, ballot proposition, or to encourage a citizen to vote.~~

##### Sec. 113-4 Signs prohibited:

- (a) No person shall erect, place, establish, paint, create or maintain a sign in the city except as provided in this chapter. All signs that are contrary to the provisions of this chapter are declared to be in violation, and as such may be abated as provided by law.
- (b) The following signs are prohibited. Any:
  - (1) Abandoned sign;
  - (2) Animated sign, except as specified in this chapter;
  - (3) Billboard sign;
  - (4) Off-premises sign, except as permitted within this chapter;
  - (5) Portable sign;
  - (6) Sandwich sign, except as permitted within this chapter;
  - (7) Snipe sign;
  - (8) Sign which inhibits free ingress to or egress from any door, window or any exit way required by the International Building Code as adopted and amended by the city, or by fire department regulations;
  - (9) Sign that may obstruct the line of sight of any authorized traffic sign, signal or other traffic control device; or any sign by reason of shape, color or position that interferes with or may be confused with any authorized traffic signal or device;

- (10) Sign placed in a location that will obstruct vision of a vehicle operator while entering, exiting or traveling upon the public right-of-way;
- (11) Sign located in a manner that interferes with pedestrian travel or poses a hazard to pedestrians;
- (12) Vehicle sign when mounted or placed on any trailer, boat, or motor vehicle that is parked, stored or displayed in a manner to attract the attention of the public for advertising purposes;
- (13) Sign with flashing, blinking, rotating lights, exposed neon or similar tube type illumination, bare incandescent, fluorescent, metal halide, or high or low pressure sodium light bulbs or mercury vapor light sources;
- (14) Sign placed in rights-of-way, except as specified in this chapter;
- (15) Message board;
- (16) Roof-mounted sign;
- (17) Any other sign that is not expressly permitted by this chapter;
- (18) Home occupation sign;
- (19) Pole-mounted banners, attention flags, wind-driven spinners, streamers, search lights, strobe lights, holographic projections, laser light displays, inflatable signs, or balloons;
- (20) Any flag not associated with a governmental unit.
- ~~(21) Political signs displayed more than 60 calendar days prior to an election or seven calendar days after an election.~~

#### **Sec. 113-8 Signs not requiring a permit:**

No person shall be required to have a permit for the following signs; provided, however, that such signs shall be subject to any and all applicable provisions of this chapter or any other law:

- (1) Public signs;
- (2) Directional signs, when wall-mounted or, if detached, where not exceeding a height of three feet;
- (3) Emergency signs;
- (4) Portable electronic signs used by the city for special events;
- (5) Way finding signs for public buildings and facilities;
- (6) Development sign as described under section 113-158(b);
- (7) Temporary window graphics, consistent with restrictions herein;
- ~~(8) Political signs displayed in conjunction with an election erected no earlier than 60 calendar days prior to the election and removed seven calendar days after the election.~~