

ORDINANCE NO. (O)15-13

AN ORDINANCE OF THE TOWN OF ORO VALLEY ARIZONA, SUSPENDING ENFORCEMENT OF CHAPTER 28, SIGNS REGARDING ALL PROVISIONS THAT REGULATE SIGN CONTENT WITHIN PUBLIC RIGHT-OF-WAYS; AND PRIVATE PROPERTY FOR THOSE PROVISIONS THAT DO NOT COMPLY WITH THE CURRENT LAW; GIVING THE MANAGER AND STAFF AUTHORITY TO DETERMINE PRIVATE PROPERTY ISSUES BASED ON CONTENT NEUTRALITY AS THEY ARISE AND SUSPEND ENFORCEMENT WHILE THE CODE IS BEING AMENDED; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O) 81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised” (OVZCR); and

WHEREAS, June 18, 2015, the United States Supreme Court issued a decision which made certain provisions of OVZCR Chapter 28, Signs, unconstitutional; and

WHEREAS, the Town will temporarily suspend the enforcement of content based signs within the public right of way and private property as necessary until OVZCR Chapter 28 can be appropriately updated; and

WHEREAS the Town will continue to enforce safety, size, location and duration requirements within the sign type categories only in a content neutral way; and

WHEREAS, the Town will suspended enforcement of the sign walker provision of OVZCR Chapter 28; and

WHEREAS, at a duly noticed Town Council Meeting on September 2, 2015, OVZCR Chapter 28, Signs, enforcement of content based signs on public rights-of-way, limited private property provisions, and sign walker provisions was suspended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that:

SECTION 1. The enforcement of the content based signs and sign walkers within Chapter 28, Signs, of the Oro Valley Zoning Code Revised and any non-complying private property provisions, is hereby suspended.

SECTION 2. All Oro Valley ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 2nd day of September, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____