

ORDINANCE NO. 2016-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, *THE CITY OF FLAGSTAFF ZONING CODE*, CHAPTER 10-50, *SUPPLEMENTAL TO ZONES*, DIVISION 10-50.100 *SIGN STANDARDS*, CHAPTER 10-20, *ADMINISTRATION, PROCEDURES, AND ENFORCEMENT*, DIVISION 10-20.40, *PERMITS AND APPROVALS*, AND CHAPTER 10-80, *DEFINITIONS*, DIVISION 10-80.20, *DEFINITIONS OF SPECIALIZED TERMS, PHRASES, AND BUILDING FUNCTIONS*, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED “*2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, DIVISION 10-50.100 SIGN STANDARDS, AND OTHER RELATED DIVISIONS*”; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has determined that amendments to the Zoning Code, Title 10 of the Flagstaff City Code, Chapter 10-50, *Supplemental to Zones*, Division 10-50.100, *Sign Standards*, Chapter 10-20, *Administration, Procedures, and Enforcement*, Division 10-20.40, *Permits and Approvals*, and Chapter 10-80, *Definitions*, Division 10-80.20, *Definitions of Specialized Terms, Phrases, and Building Functions*, are necessary in order to ensure, among other things, that the City’s sign standards have been clarified to ensure they are consistent with the US Supreme Court’s decision in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015); and

WHEREAS, the Mayor and Council have, by resolution, previously declared the “*2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100, Sign Standards, and Other Related Divisions*,” (referred to hereinafter as the “Proposed Amendments”) to be a public record; and

WHEREAS, in a work session held on December 8, 2015, the City Council considered public comment, discussed various options and alternatives, and, after deliberation, directed staff to return with those changes that now comprise the Proposed Amendments; and

WHEREAS, the Planning and Zoning Commission at their public meeting on February 24, 2016, recommended that the City Council adopt the Proposed Amendments; and

WHEREAS, the City Council finds that the City has complied with the statutory notice and meeting requirements.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan (Regional Plan).

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

SECTION 3. The proposed amendment is internally consistent with other applicable provisions of the Flagstaff Zoning Code.

SECTION 4. In General.

That the document entitled "*2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100 (Sign Standards) and Other Related Divisions*," three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona and previously declared by Resolution No. 2016-13 to be a public record, is hereby adopted and made a part hereof as if fully set out in this ordinance and its provisions declared to be inserted into the Zoning Code and to replace and supersede the existing relevant provisions of the Zoning Code.

SECTION 5. Penalties.

Whenever the Flagstaff Zoning Code prohibits an act or makes or declares an act to be unlawful or an offense, or whenever in the Code the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished as follows:

Civil Penalty: Any person found responsible for violating the Flagstaff Zoning Code shall be sentenced to a fine of not less than \$100. Any person found responsible of a second violation committed within 36 months of a prior violation shall be subject to a fine of not less than \$250. Any person found responsible of a third or subsequent violation within 36 months of a prior violation shall be subject to a fine of not less than \$500.

Criminal Penalty: Any person found responsible by the Flagstaff Municipal Court for three or more civil violations of the Flagstaff Zoning Code within a 24-month period shall be deemed a habitual offender. A habitual offender who subsequently violates the Flagstaff Zoning Code shall be guilty of a class 1 misdemeanor.

SECTION 6. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 7. Severability.

That, if any section, subsection, sentence, clause, phrase or portion of this ordinance or any of the amendments adopted in this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect any of the remaining portions thereof.

SECTION 8. Effective Date.

This ordinance shall be effective (30) thirty days after adoption.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of April, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY