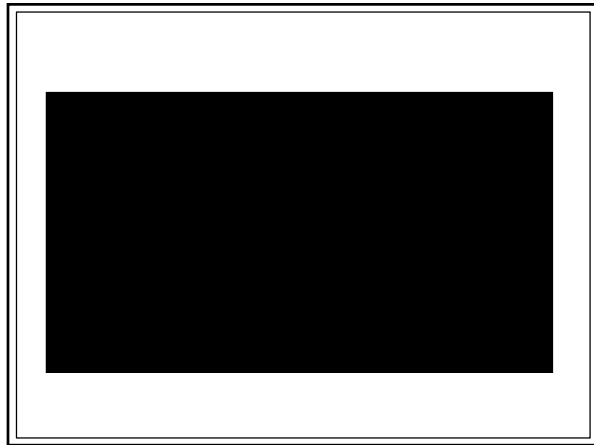


**SIGN WALKER
CONTROLS
PREEMPTED OR NOT?**
Bruce Washburn, Scottsdale
City Attorney



Scottsdale Revised Code § 16-353(c)

- No person shall have, bear, wear or carry upon any street, any advertising banner, flag, board, sign, transparency, wearing apparel or other device advertising, publicly announcing or calling attention to any goods, wares, merchandise, or commodities, or to any place of business, occupation, show, exhibition, event or entertainment. The provisions of this subsection do not apply to the wearing of apparel without remuneration for doing so or business identification on wearing apparel.

A.R.S. § 9-499.13 (2008 version)

- A. From and after December 31, 2008, notwithstanding the authority to regulate signs pursuant to section 9-462.01, and as a matter of statewide concern, all municipalities shall allow the posting, display and use of sign walkers. Municipalities may adopt reasonable time, place and manner regulations relating to sign walkers.
- B. For the purposes of this section, "sign walker" means a person who wears, holds or balances a sign.

A.R.S. § 9-499.13(B) (adopted in 2014)

- A MUNICIPALITY THAT ADOPTS REASONABLE TIME, PLACE AND MANNER REGULATIONS RELATING TO SIGN WALKERS MAY NOT RESTRICT A SIGN WALKER FROM USING A PUBLIC SIDEWALK, WALKWAY OR PEDESTRIAN THOROUGHFARE.

**Legislative intent statement for 2014
Amendment, ¶ 3**

- It is the public policy of this state that equal access to public sidewalks, walkways and pedestrian thoroughfares is fundamental to the exercise of free speech and expression. Notwithstanding reasonable time, place and manner regulations, the use of public sidewalks, walkways, and pedestrian thoroughfares must be uniform as between sign walkers and all other individuals.

Arizona Constitution, Art. 13, § 2

- Any city containing . . . a population of more than 3500 may frame a charter for its own government consistent with, and subject to, the Constitution and the laws of the state. . . . Upon such approval said charter shall become the organic law of such city. . . . Thereafter all courts shall take judicial notice of said charter.

City of Tucson v. State, 191 Ariz. 436, 439, 957 P.2d 341, 344 (App. 1997)

- “Where, as here, an issue involves both local and statewide interests, a balancing test evaluating the issues and determining which is paramount is also appropriate.”

City of Tucson v. Arizona Alpha of Sigma Alpha Epsilon, 67 Ariz. 330, 336, 195 P.2d 562, 566 (1948)

- It is of no interest to the cities of Phoenix, Yuma, or any other city or town in the State of Arizona, what the provisions of the charter of the City of Tucson provide [for the sale of municipal real estate]. *The people of Arizona, through their duly elected representatives, should not be concerned with legislation looking to the intricacies of management of a large city.* Its problems are myriad and personal. It is for this reason that the constitution authorized cities of a certain size to enact charters for their self-government, within the limitations of the constitution.

McMann v. City of Tucson, 202 Ariz. 468, 47 P.3d 672, ¶ 12 (App. 2002)

- A city's power to manage its own property "must necessarily include the fundamental decision as to how the property will be used."

Luhrs v. City of Phoenix, 52 Ariz. 438, 443, 83 P.2d 283, 285 (1938)

- Whether a city's action is of purely local interest or concern " . . . depends upon whether the activity is carried on by the municipality as an agent of the state."
