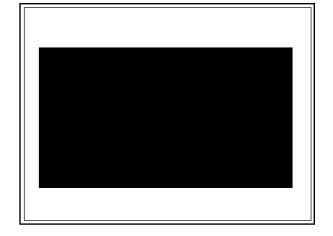
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SIGN WALKER CONTROLS PREEMPTED OR NOT? Bruce Washburn, Scottsdale City Attorney		0.000	000000000000000000000000000000000000000				AND THE RESIDENCE OF THE PROPERTY OF THE PROPE	
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#### Scottsdale Revised 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.

Δ.	R.S.	8	9_4	LQQ	.13	(2008	version)
л.	N.J.	v	7-7	177		12000	AGISIOII

- 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.

A	Arizona	Consti	tution	, Art.	13,	§	2
•	Any city c	ontaining	a po	pulation	of m	ore	е

 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	2.¶12	(App. 20	02)			

• 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."