ORDINANCE NO. 2018- 09

AN ORDINANCE REPEALING CHAPTER 42 OF THE CARSLBAD CODE OF ORDINANCES – SIGNS – AND REPLACING WITH THE NEW CHAPTER 42 – SIGNS.

WHEREAS, the current Sign ordinance was adopted in 1974 and has in many respects become outdated; and

WHEREAS, on June 18, 2015, the Supreme Court of the United States handed down their decision in the *CLYDE REED, et al., PETITIONERS v. TOWN OF GILBERT, ARIZONA*, *et al*. finding that certain sign restrictions based on sign content violated the First Amendment of the U.S. Constitution; and

WHEREAS, the current version of Chapter 42, SIGNS, includes numerous, now prohibited, restrictions based on sign content; and

WHEREAS, City staff has met and worked to incorporate certain signage guidelines and restrictions deemed appropriate for the community; and

WHEREAS, this new Sign Ordinance complies with the decision from the U. S. Supreme Court from *CLYDE REED, et al., PETITIONERS v. TOWN OF GILBERT, ARIZONA*, *et al;* and

WHEREAS, this new Sign Ordinance supports the goals and policies of the Greater Carlsbad Comprehensive Plan Strategy 2030 adopted in January, 2013; and

WHEREAS, in order to protect and improve the established community character and the visual aesthetic of the City of Carlsbad; and

WHEREAS, in order to properly promote the commercial and industrial growth currently being experienced by the community; and

WHEREAS, to protect the community from adverse impacts of increased commercial activity and the related advertising; and

WHEREAS, a copy of this code is on file and available for inspection during normal and regular hours;

NOW THEREFORE, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, that the City of Carlsbad's Code of Ordinances is hereby amended to adopt and incorporate the new Chapter 42 – SIGNS – attached to this ordinance:

INTRODUCED, PASSED, ADOPTED AND APPROVED this 12th day of June, 2018.

/s/Dale Janway
_____
DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles
_____
CITY CLERK