

RESOLUTION NO. 16-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, STATING ITS INTENTION TO COMPLY WITH THE SUPREME COURT OPINION IN THE CASE OF *REED V. TOWN OF GILBERT, ARIZ.*, - U.S. -, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015) AND SUSPENDING ENFORCEMENT OF ALL REGULATIONS GOVERNING TEMPORARY NON-COMMERCIAL SPEECH AS THOSE REGULATIONS RELATED TO THE CITY'S SIGN CODE, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has adopted ordinances governing certain signs within the City of Atlantic Beach and those ordinances are contained in the city's Code of Ordinances in Chapter 17, Signs and Advertising Structures, together with associated definitions set forth in Chapter 6, Building and Building Regulations, and Chapter 24, Land Development Regulations.

WHEREAS, pursuant to the Supreme Court opinion in the case of *Reed v. Town of Gilbert, Ariz.* (U.S. June 18, 2015), the traditional regulation of temporary noncommercial signs in municipal codes across the country was impacted in that any sign code provisions which separately categorized or classified temporary noncommercial signs, such as political signs or for rent signs, based upon the information conveyed, are now subject to strict scrutiny rather than intermediate scrutiny by the courts.

WHEREAS, in response to this recent opinion, it is in the best interest of the City to take action to suspend enforcement of regulations governing temporary noncommercial speech as those regulations relate to the City's Sign Code and related definitions and will consider revisions to its Sign Code and related provisions to comport with the Supreme Court's guidance in the *Reed* case to ensure that its signage regulations will be interpreted as content neutral except where a compelling government interest requires a content-based distinction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTIC BEACH, FLORIDA, THAT:

SECTION 1. Recitals Adopted. The above recitals are confirmed and adopted.

SECTION 2. Compliance with *Reed v. Town of Gilbert, Ariz.* That the City in compliance with the recent Supreme Court opinion in *Reed v. Town of Gilbert, Ariz.* will cease enforcement of all provisions of its Sign Code that are in conflict with the guidance given by the Supreme Court opinion in *Reed v. Town of Gilbert, Ariz.* The City will suspend enforcement of all regulations governing temporary noncommercial speech as those regulations relate to the City's Sign Code.

SECTION 3. Statement concerning readoption. That the City Commission affirms that it will not readopt any provision of its Sign Code that would violate the decision of the U.S. Supreme Court in the case of *Reed v. Town of Gilbert, Ariz.* (U.S. June 18, 2015).

SECTION 4. Implementation. That the City Manager is authorized to take all action necessary to implement the purposes of this Resolution.

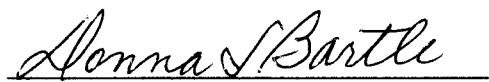
SECTION 5. Effective Date. This Resolution will take effect immediately upon its passage.

RESOLVED AND DONE this 8th day of August, 2016, by the City Commission of the City of Atlantic Beach, Florida.



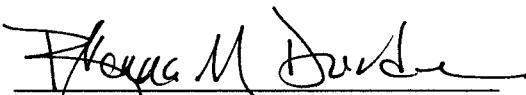
Mitchell E. Reeves, Mayor

Attest:



Donna L. Bartle, City Clerk

Approved as to form:



Breanna M. Durden, City Attorney