

## Give Me a Sign: ReReeding our Sign Codes



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2018 UT Land Use Conference



## Ordinance Authority

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- Chapter 216 of the Local Government Code: Regulate, Remove, Relocate
- Chapter 393 of the Transportation Code: Regulate in the Right of Way

# Ground Rules for Sign Regulation

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## Texas Law on Sign Regulation Chapter 216 of the Local Government Code

- Types of Cities
- Types of Signs
- City Limits and ETJ



# Constitutional Limitations

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- Free Speech rights under the First Amendment of the U.S. Constitution are not absolute; they are balanced against personal rights or interests of society—such as public safety and aesthetics
- Speech may be regulated, but restrictions must pass muster
  - **Intermediate scrutiny**
  - **Strict scrutiny**

## *Reed* the Sign Ordinance

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- *Reed v. Town of Gilbert*, No. 13-502 (June 18, 2015).
- If you must read a sign to regulate, the ordinance is **content based**.



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## How to *Reed*: The Facts

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- Town of Gilbert ordinance distinguished between *political* (electoral), *ideological* (non-commercial), and *directional* signs with different rules for time, location, and size
- “Temporary Directional Signs”: signs intended to direct passersby to a “qualifying event” of a non-profit organization
- Must be < 6 sqft; no more than 4 signs on any property; and displayed < 12 hours before event and up to 1 hour after
- Church challenged ordinance



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First appeared as part of the conference materials for the

22<sup>nd</sup> Annual Land Use Conference session

"*Reeding* Sign Regulations in 2017"