

Proposed UDC Text Edits: 7.5 Signs

Reed v. Gilbert: Content Neutrality



City Council
August 21, 2018



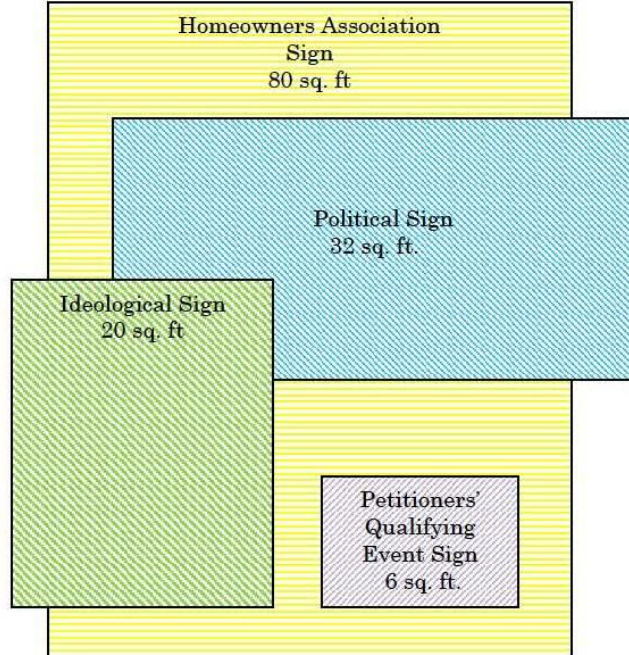
Overview

- Reed v. Gilbert Supreme Court Case
- Good News Presbyterian Church sues Town of Gilbert.
- Town Of Gilbert Az. Sign Code found to be content-based and therefore unconstitutional.





Town of Gilbert Content Based Regulations



| DURATION | | |
|---------------------|-------------------------|--------------------|
| Display Time Before | Sign Content | Display Time After |
| ← Unlimited | Ideological | Unlimited → |
| ← 4 ½ Months | Election | 15 Days → |
| ← 30 Days | HOA Event | 48 hrs → |
| 16 hrs ← | Real Estate Sale | → 36 hrs |
| 12 hrs ← | Religious Event | → 1 hr |



Non Content Based Regulations

If you have to read the face of a sign to understand its regulations then it is content based.

- Political Signs
- Real Estate Signs
- Ideological Signs



Non Content Based Sign Regulations are based on:

- Structure of sign
- Duration of Display
- Location of sign
- Number of Signs





Exceptions Post Reed

Commercial/ Non-commercial, On-premise, and Off-premise Signs

Even though we must read a sign to know if it is off premise, the State of Texas and the Ninth Circuit Court agree that regulation of commercial signs, including an on premise and off premise distinction is permissible. **It receives intermediate, not strict scrutiny**



Summary of Proposed Changes

- Address Identification
- Eliminate identification of Institutional, Political, and Real Estate Signage
- Definition of Noncommercial Messages and Sign
- Sign Industry Stakeholder Meeting May 31, 2018



Recommendations

City Staff and Planning Commission
recommend approval of the
proposed UDC Text Edits to Section
7.5 Signs