

Background information on Sign Code Revision Project

Reed vs. Town of Gilbert – As noted in June 2015, **United States Supreme Court** made a ruling affecting a municipality’s sign code’s relationship to content-based restrictions. The case also stated the level of constitutional scrutiny that should be applied to content-based restrictions on speech. The case originated in 2005, regarding a sign ordinance in Gilbert, Arizona that regulated the manner in which signs could be displayed in public areas.

The Gilbert ordinance placed stricter limitations on directional signs advertising services than signs that displayed "political" or "ideological" messages. When the Town's code enforcement cited a local church for violating the ordinance, the church filed a lawsuit that contended the Town's sign regulations violated its **First Amendment** right to **freedom of speech**.

The Supreme Court voted 9-0 in favor of the plaintiff, Reed stating that Gilbert’s sign code violated the First Amendment. Further, the level of judicial review that a sign code is subject to under Reed is “strict scrutiny” judicial review (the highest and most demanding level of review) to any standards based on a sign’s content i.e., what is written or portrayed on the sign. In a strict scrutiny review the typical community character rationales of sign clutter management or traffic safety are not adequate. Instead strict scrutiny involves issues like advertising illegal activity, pornography, hate speech, or a similar First Amendment issue.

The outcome is that all jurisdictions in the country must review their codes for sign types and categories that are regulated by the content of the sign’s message and revise them to be regulated in a manner that is content-neutral.

Background on Subcommittee process – The subcommittee has met on Monday afternoons starting in October 2016. They began meeting from 3PM to 5PM, then expanded the meetings to meet from 2PM to 5PM at the beginning of December. The meetings were generally organized as follows:

- Call to Order / Roll Call
- Approval of Previous Meeting’s Minutes / Legal Action Reports
- 1st Call to the Audience
- Presentation of Supporting Information Regarding Process and Requested Clarifications
- Review of Previous Meeting Discussion and Suggested Modifications to Language
- Review and Discussion by Subcommittee of the Sections of Preliminary Sign Code Revisions
- 2nd Call to the Audience

Currently the subcommittee has reviewed all sections of the Revised Sign Code. These include the following:

- Section 7A.1 – Purpose and Applicability
- Section 7A.2 – Interpretation and Substitution Clause
- Section 7A.3 – Definitions
- Section 7A.4 – Permits, Inspections, Fees

- Section 7A.5 – Violations, Location, and General Requirements
- Section 7A.6 – Measurement, Location, and General Requirements
- Section 7A.7 – Sign Design Option (partial review completed)
- Section 7A.8 – Prohibited and Exempt Signs
- Section 7A.9 – Non-conforming Signs
- Section 7A.10 – Sign Types and General Standards
- Section 7A.11 – Special Districts
- Section 7A.12 – Appeals and Variances
- Section 7A.13 – Citizen Sign Code Committee

In addition, between each meeting, Staff has a number of tasks they conduct. On the Wednesday prior to the next scheduled subcommittee meeting, Staff will post the upcoming agenda and email it out to the subcommittee and a public group of interested individuals. On the Friday prior to the next scheduled subcommittee meeting, Staff will post on the website (<https://www.tucsonaz.gov/pdsd/projects/sign-code-revision-project>) and distribute a matrix of suggested edits based on comments by the subcommittee and the Meeting Minutes / Legal Action Report from the previous meeting.