

## Give Me a Sign: ReReeding our Sign Codes



*Presented by:* Laura Mueller, Associate  
*Contributions by:* Alessandra Gad, Associate  
& Anjali Naini, AICP Consulting Planner

2018 UT Land Use Conference



## Ordinance Authority

---



- 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

---

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

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



# Constitutional Limitations

---

- 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

---

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



© Bojorquez Law Firm, PC (2018)

5

## How to *Reed*: The Facts

---

- 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



© Bojorquez Law Firm, PC (2018)

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Reeding Sign Regulations in 2017

Also available as part of the eCourse

[2018 Land Use eConference](#)

First appeared as part of the conference materials for the  
22<sup>nd</sup> Annual Land Use Conference session

"*Reeding Sign Regulations in 2017*"