

Sign Regulation after Reagan v. City of Austin: Changes to the Sign Landscape

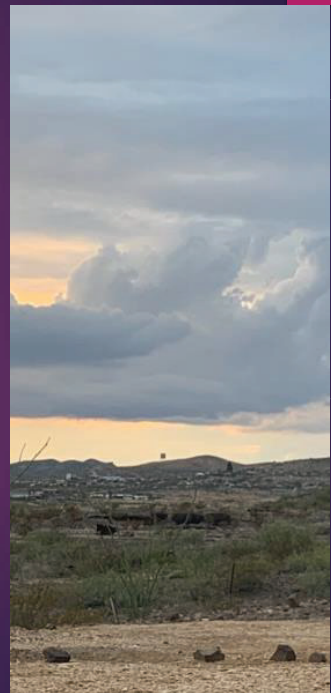
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The Story of Sign Regulation

- ▶ Texas Law Requirements
- ▶ Case Law and Constitutional Considerations
- ▶ What Comes Next: Examples and Guidance



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Taking a Break to review the reasons . . .

Why is your client regulating signs?

Aesthetics?

Public Safety?

Does your sign regulation accomplish these goals?



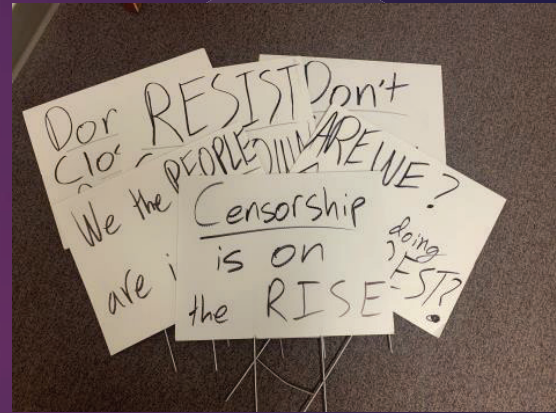
Remember... you belong to the State of Texas



- Chapter 216 of the Local Government Code: Regulate, Remove, Relocate
- Chapter 393 of the Transportation Code: Regulate in the Right of Way
- Chapter 259 of the Texas Election Code: affects how Cities regulate political signs (??)

Constitutional Conventions

- ▶ 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: must be narrowly tailored to serve a significant government interest**
 - ▶ **Strict scrutiny: must be narrowly tailored to serve a compelling government purpose and be the least restrictive means necessary to achieve the purpose**



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Look at where we started-City of Ladue v. Gilleo

- ▶ Overinclusive
 - ▶ "Displaying a sign from one's own residence often carries a message quite distinct from placing the same sign someplace else, or conveying the same text or picture by other means." *City of Ladue v. Gilleo*, 512 U.S. 43, 56 (1994).
 - ▶ Visual Clutter elimination is a good reason for regulations, but the regulation foreclosed the important ability to put a sign in your own yard.
 - ▶ Non-commercial signs deserve special protection.

OVERINCLUSIVE



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First appeared as part of the conference materials for the
25th Annual Land Use Conference session

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