THE INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION

Designing a Content Neutral Sign Code

By:
Charles W. Thompson, Jr.
Executive Director
IMLA

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- Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Each display surface of a sign or sign face shall be considered to be a sign.

- 1.1.1 Sign area:
- 1.1.1.1 the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or
- 1.1.1.2 where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

Exempt/ Authorized

- Signs not exposed to view from a street or public right of way, public place or other property such as those within a completely enclosed structure or those not visible to persons from a public right of way, public place or other property.

Prohibited

- Content neutral
  - Those without permit where permit required.
  - Those not allowed by sign code or other law.
  - Other – Graffiti, etc.
- Content specific
  - Obscene
  - Commercial in non-commercial location
  - Traffic device mimics

Exempt/Authorized

- Government signs.
  - Traffic Control Devices
  - Directional Signs
  - Economic Development/Tourism banners, etc.
  - Holiday signs
  - Promotional signs
    - Don’t drink and drive
    - Click it or ticket

Authorized – Content Specific

- Traffic Control Devices on private property open to the public
  - MUTCD
- Identification of Address
  - Create uniform standards
- Legally required signs
  - No Trespassing, No solicitation, High Voltage
- Compelling governmental interest – public safety, protect property rights

Authorized – content specific

- Off-site
  - [See Professor Tribe's opinion]
- Commercial signs – may be regulated under *Metromedia* and *Central Hudson*
- Non-Commercial signs - No basis to prevent where commercial signs allowed. *Metromedia*
- Distinction must bear a relationship to interests of regulation – *Cincinnati v Discovery Networks*

Highway signs

- Signs that are intended and can be viewed by persons on a public road.
  - Prohibit commercial signs in residential districts or on properties used for residential purposes?
  - Limit number of highway signs by size of property?

Highway signs

- Design, size and lighting limits?
- Spacing limits?
- Bus Stops?
- Establish Scenic Preservation areas where signs not allowed
  - May require compensation

Authorized

- Temporary signs
  - Size?
  - How many?
  - When?
  - Duration?
  - Weekend signs in the right of way?

Flags

- What to do with flags?
  - Complete ban means:
    - Old Glory, state flags and city flags are banned
    - Not a good idea.
  - Ban commercial flags?
    - Might survive *Central Hudson/Metromedia* if ban limited to residential areas
  - Limit number of flags
  - See Vero Beach -

Vero Beach

- *38.02 Flag:* A sign made of fabric, bunting, or similar material, containing colors, patterns or symbols, used as a symbol of government, political subdivision, corporation, business or other entity or used for decorative purposes not displaying a commercial message. For purposes of this definition a flag is not a banner.

- Banner sign: A temporary sign of lightweight fabric or similar material that is displayed on a pole, building or attached to a staff or line. For purposes of this definition a banner is not a flag.

- • 38.09 (n) Flags. Flags as follows:
- (1)Single-family Zoning Districts. In a single-family zoning district, two flags and one flag pole per premises. Each flag shall be a maximum of 15 square feet in area. The flag pole shall be a maximum of 25 feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles shall meet the minimum yard setback requirements for a principal building.

- (2)Multi-family or Nonresidential Zoning Districts. In a multi-family or non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of six flags and six flag poles per premises. Each flag shall be a maximum of 24 square feet in area. Flag poles shall be a maximum of 25 feet in height or the highest point of the nearest principal building's roof on the premises, whichever is higher. Flag poles shall meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.

- (3)Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag shall be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

IMLA Model

- Flag –
- A. non commercial: A sign made of fabric, bunting, or similar material, containing colors, patterns or symbols, used as a symbol of government, political subdivision, corporation, business or other entity or used for decorative purposes not displaying a commercial message. For purposes of this definition a flag is not a banner.

- B. A sign made of fabric, bunting, or similar material, containing colors, patterns or symbols, used to display a commercial message. For purposes of this definition a flag is not a banner.

Residential/Commercial Districts and uses

- Flag Poles:
  - Number? Number of flags per pole?
    - Based on property size
    - Height and number per pole based on principal structure dimensions
- Flags:
  - Number?
    - Based on property size
    - Based on use

Other issues

- Signs –
- Panhandling –
- Robocalls –
- No solicitation –