



# Sign Revision Taskforce: Second Meeting

Department of Metropolitan  
Development

September 23, 2016



# Opening Remarks

## Agenda:

- Review of Reed v. Gilbert and Geft v. Indianapolis and other Court Rulings
- Overview of Sign Technology Changes
- Taskforce Members Comments
- Closing: Next Meeting – Tuesday, October 18<sup>th</sup> at 5:30 pm



*Post Reed v. Town of Gilbert and GEFT v. Indianapolis*

# LEGAL CONSTRAINTS



# First Amendment

Governments “shall make no law

respecting an establishment of religion, or  
prohibiting the free exercise thereof;

or **abridging the freedom of speech**, or of the  
press;

or the right of the people peaceably to assemble,  
and to petition the Government for a redress of  
grievances.”



# Freedom of Speech

## Exceptions for some categories of speech

- Commercial speech
- Speech in “limited public forum”
- Speech in a “nonpublic forum”
- Obscenity
- Defamation

# Content Neutral is key

Cannot regulate what is said

Eligible method of regulation

- **Time** – when allowed, duration, frequency, changeable vs. static
- **Manner** – type, size, height, style, materials, illumination, electronic
- **Place** – setbacks, districts, link to activity

# Inconsistent test for Content-Neutral regulation

1. **Literal test** – if you must read the sign in order to tell whether it complies, then it is content-based.
2. **Pragmatic test** – if the regulation can be justified without reference to the content, and the regulation was not adopted because of disagreement with the message, then it's content neutral.

# Reed v. Town of Gilbert

Content-Neutrality is key

**Literal test** – if you must read the sign in order to tell whether it complies, then it is content-based.







Real Estate Sign



Directional Sign



Business Identification Sign



Noncommercial Opinion Sign

# Majority opinion

“Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.”

Even a purely directional message which gives “the time and location of a specific event” is one that “conveys an idea about a specific event.”

A category for directional signs is therefore content-based.

# Concurring: Justice Alito's 2 pages of "further explanation"

"...some rules that would not be content-based"

- Size
- Location
- Lighted and unlighted
- Fixed messages and electronic signs with messages that change
- Placement of signs on public and private property, commercial and residential property
- Signs put up by government itself
- Distinguishing between on-premises and off-premises signs

Reaffirmed ability to regulate "signs in a way that fully protects public safety and serves legitimate esthetic objectives."

# Paradigm shift

- Freestanding identification signs
- Building identification signs
- Directional signs
- Address plates
- Internal directory signs
- Grand opening signs
- Garage sale signs
- Model home signs
- Historic or commemorative plaques
- Construction signs
- Home improvement signs
- Opinion signs
- Real estate signs
- Subdivision signs
- Sidewalk café signs

# Change of perspective

## Freestanding Signs

- Frontage
- Supplemental Frontage
- Ancillary
- Vehicle Entry
- Pedestrian
- Yard
- Incidental
- Building Marker
  
- Billboard

## Building Signs

- Wall
- Awning or Canopy
- Marquee
- Projecting
- Suspended
- Roof
- Window
- Incidental
- Building Marker

# 2015 Change Highlights



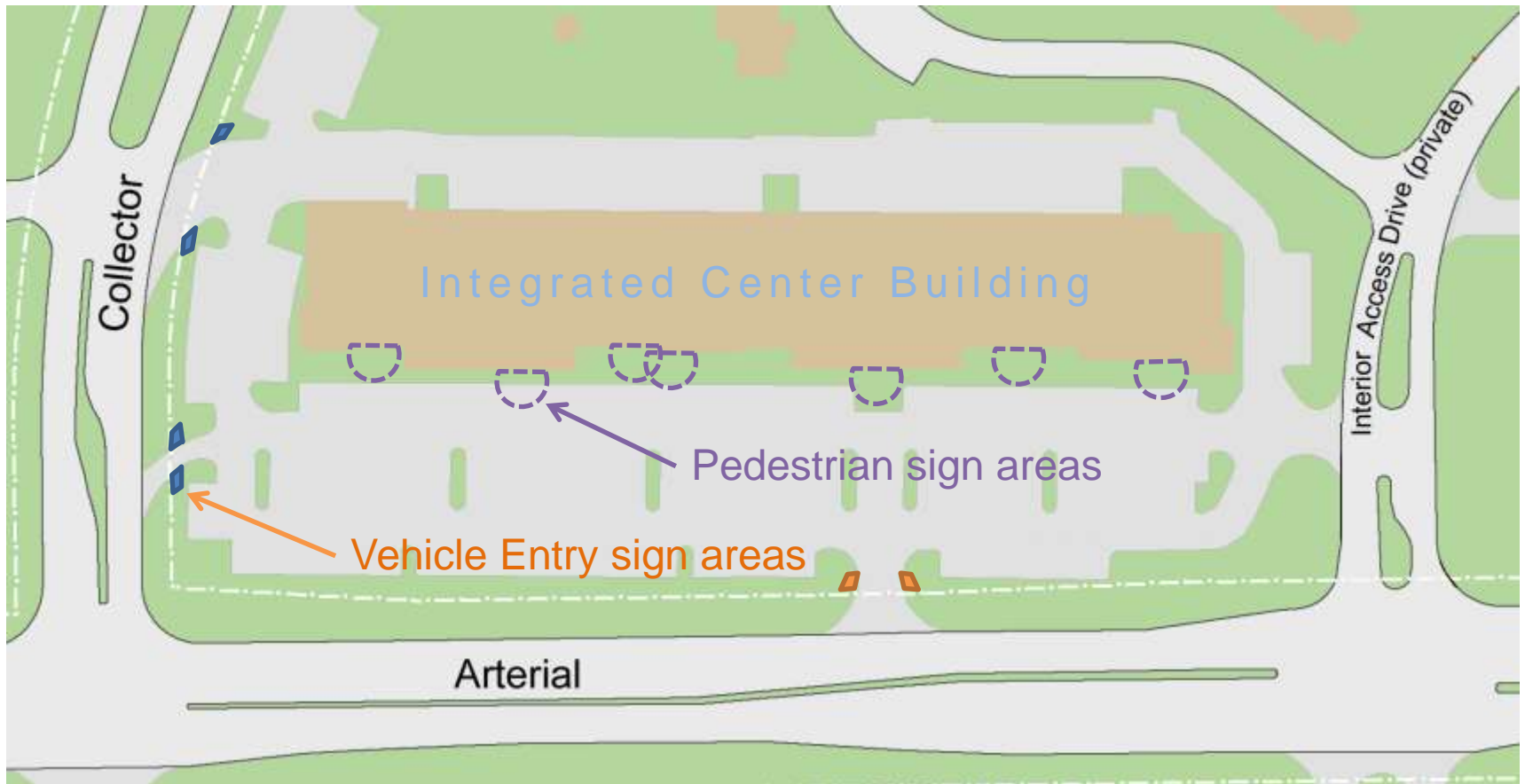
- **Yard signs-**
  - ✓ 4 per lot
  - ✓ replaced many exempt signs
  - ✓ April and October: no limit on yard signs
- **Building Marker-**
  - ✓ 3 per building or 1 per tenant space
  - ✓ replaced address & historic plaques
- **One-Time Event signs-**
  - ✓ 3- and 10-day durations
  - ✓ Available once a month and once a calendar year

# 2015 Change Highlights



- **Ancillary sign-**
  - ✓ Interior of the site
  - ✓ replaced internal direction & tenant directory
- **Vehicle Entry Point sign-**
  - ✓ Only along drives
  - ✓ Within 10' of drive pavement & ROW
- **Pedestrian sign-**
  - ✓ Within 20' of pedestrian entrance
  - ✓ replaced sidewalk café sign
- **Noncommercial speech allowed on every sign**

# Change examples





# ***GEFT v. Indianapolis***

- U.S. District court reviewed previous and current regulations
- Changes corrected the deficiencies identified in Reed
- Distinction between on- and off-premises upheld



On-premises Sign



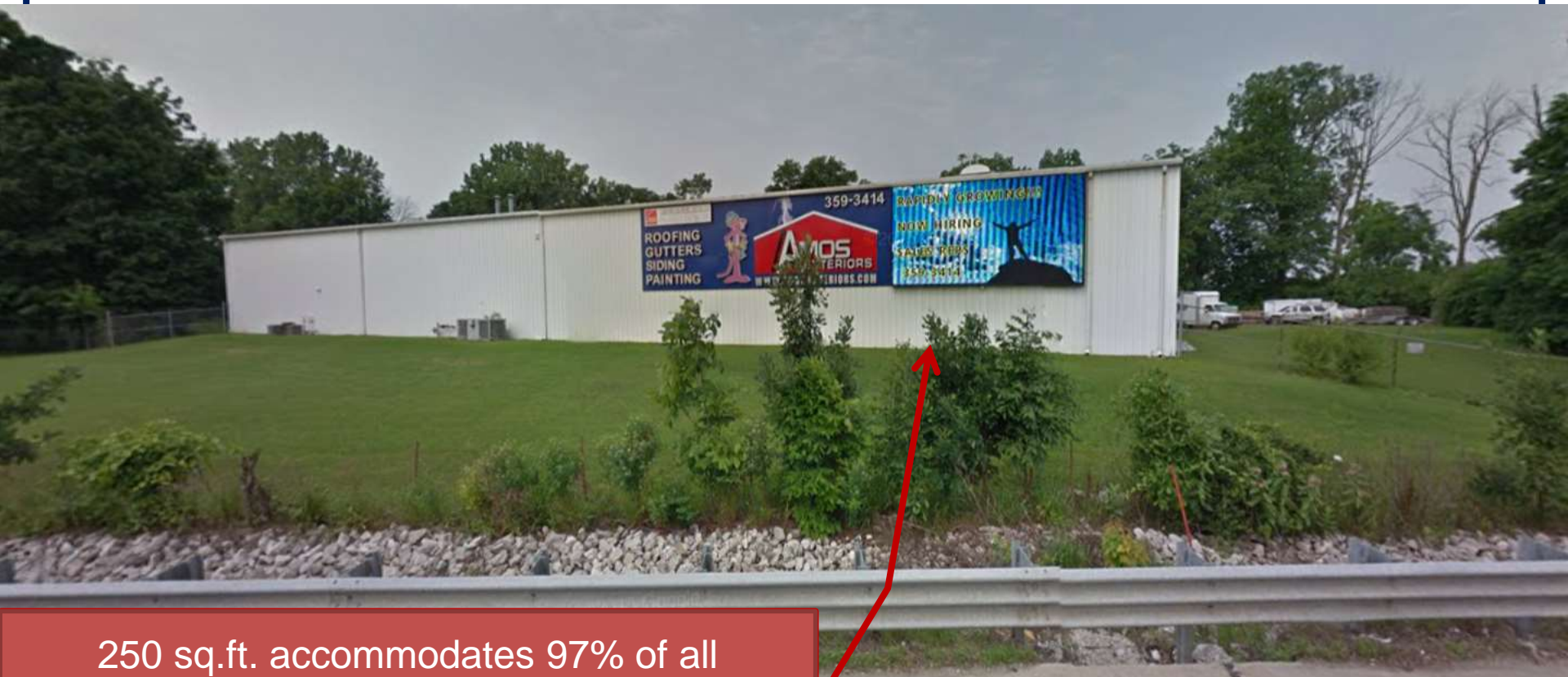
Off-premises Sign

# Eliminating distinction between On- and Off-premises

Some Standard Changes may be needed for on-premises signs...

Wall signs currently 20% of façade

Freestanding signs up to 900 sq.ft.



250 sq.ft. accommodates 97% of all business signs requested in the last 5 years.

**CHANGE**

**AHEAD**



Practical considerations

# CHANGES IN SIGN TECHNOLOGY





# Changes in Sign Technology

- Brief overview of how the technology has changed over the years.
- Impact on appearance of signs.
- Affects both on-premise signs and off-premise billboards.
- ➔ Change in how signs are regulated.

# Conventional Signs

- Once constructed and installed, display does not change.
  - Can range from simple to decorative.
  - Can apply to all types of signs and billboards.
  - Still widely used.
- ➔ Regulated by size, number and illumination

# Examples: Conventional Signs



www.almty.com - ANEGGE



JP/10  
valdostageorgia.blogspot.com

★  
THE CITY OF  
INDIANAPOLIS



# Simple Changeable Display

- Started with illumination of small bulbs to form numbers and letters.
- Initially Time and Temperature Displays.
- Evolved into simple LCD and LED displays.
- Tri-vision displays for billboards.
- ➔ Regulation includes duration of display.

# Examples: Simple Changeable Display



# Evolution of Changeable Display

- Advances in LCD and LED technology allowed more complex displays.
  - Capable of text, numbers and simple images.
  - Easier to change/program the message.
  - EVMS – Electronic Variable Message Sign
- ➔ Regulations on placement, movement of images and duration of display.

# Examples: Evolution of Changeable Display



# Advanced Changeable Display

- Continued advances in LED display technology in size and clarity.
  - Greater complexity of images displayed.
  - Capable of complex static display to video streaming.
- ➔ Regulations on placement, size, movement of images, duration, and brightness.

# Examples: Advanced Changeable Display



# Changes in Sign Technology

- Over time, the technology has evolved.
- Increased the complexity of changeable displays.
- Regulations change to cover different aspects of signs.