



Attachment D - Sign Code Amendments

BACKGROUND & OVERVIEW

Currently, Deschutes County Code includes limitations on signs based on their content. In *Reed v. Town of Gilbert* (2015), the U.S. Supreme Court found a content-based sign ordinance may impede on an applicant's First Amendment right to Freedom of Speech based on the content of a given sign. Building on *Reed*, the Court reviewed a separate sign code-based case under *City of Austin v. Reagan National Advertising of Austin* (2022). In *Austin*, the U.S. Supreme Court found that certain sign code provisions (such as requiring advertising signs to be placed on the premises of the entity being advertised) can be considered content-neutral under the right to Freedom of Speech under the First Amendment of the U.S. Constitution.

Deschutes County currently implements its Sign Code through Deschutes County Code Title 15.08. *Reed* implies that Deschutes County should ensure that their Sign Code provisions are "content-neutral" or else be subject to "strict scrutiny" under the First Amendment. *Austin* implies that not all provisions of a given sign code are automatically "content-based" and, therefore, some sign code provisions are subject to "intermediate scrutiny" rather than "strict scrutiny" under the First Amendment. In *Austin*, the U.S. Supreme Court found that, in order to survive intermediate scrutiny, a restriction on speech or expression must be "narrowly tailored to serve a significant government interest".

CURRENT PROCESS & CHANGES

Revisions to the Sign Code could ultimately bring Title 15.08 into compliance with Federal case law and interpretations around sign content and Freedom of Speech included in *Reed* (2015) and *Austin* (2022). Staff foresees working closely with County Legal Counsel to review the existing Sign Code, ensuring that content-based provisions are designed to be content-neutral.

Key Amendment Concerns	
Staff Effort/Resources	Medium/High
Legal Complexity	Medium/High
Implementation Urgency	Medium