



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor
FROM: City Attorney, Mary Elizabeth Geiger
DATE: January 23, 2024
AGENDA TEXT: Sign Code text review and discussion

BACKGROUND

The City's current sign code needs to be amended to fully comply with recent case law. The City did amend its sign code after the U.S. Supreme Court decision in *Reed, et al. v. Town of Gilbert* (decided June 18, 2015) which imposed new standards on sign codes for compliance with the First amendment to the US Constitution. However, additional case law and interpretation of *Gilbert* means that the City needs to update its sign code again. Essentially, the City can only regulate the size, timing and placement/location of signs but cannot regulate the content. The City can regulate "temporary signs" differently from "permanent ones." However, if you have to ask what the sign says in order to ascertain what regulations apply, then the regulations are not lawful. Example: City Code states that political signs can go up 60 days before the election and must be taken down within 30 days after the election. Garage sale signs can go up one week before the sale and must be removed within three days after. These regulations are not lawful because you have to know what the sign says in order to know how long it can stay in place.

This item is to discuss with Council next steps on amending the code by addressing duration for all temporary signs. Attached is an example of such an update from Newcastle, CO.

ATTACHMENTS

Attachments:

City of Austin v Reagan National Advertising
Reed v Gilbert
New Castle Sign Ordinance