

Sign Codes and the First Amendment



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First Amendment and Content Based Laws

- ④ Congress shall make no law ... abridging the freedom of speech.
- ④ Municipal governments have “no power to restrict expression because of its message, its ideas, its subject matter, or its content.”
Reed v. Town of Gilbert, 576 U.S. 155, 163 (2015)
- ④ **Content-based laws** are presumed unconstitutional and may be justified only if the government proves that the laws are **narrowly tailored** to serve **compelling state interests**.



Reed v. Town of Gilbert

- ④ Church advertised time and location of services
- ④ Signs displayed Saturday – Sunday
- ④ City cited for lack of date on “temporary directional sign”
- ④ Sign code provided different regulations based on temporary directional sign or ideological signs
- ④ Pastor sued over content-based sign regulations



Reed v. Town of Gilbert

- Ⓜ Sign Codes used to contain many content based regulations
 - Ⓜ Different laws for religious signs, election signs, community event signs – where signs can be, how long they can be up, size of signs
 - Ⓜ Reed v. Town of Gilbert ended these regulations when they are based on the message the sign is conveying
- Ⓜ Laws that are content-based are subject to strict scrutiny regardless of the government's intent – must show compelling interest
- Ⓜ Compelling interests may include pedestrian and vehicle safety, identification of hazards, directing traffic, or similar functions



Content-Based v. Content-Neutral

Content-Based Laws

- Ⓜ No sign shall promote MLB teams
- Ⓜ No sign shall promote a power wash business
- Ⓜ Ideological signs can be larger than others

Content-Neutral Laws

- Ⓜ Signs shall be no larger than 6 square feet
- Ⓜ Signs shall not be illuminated
- Ⓜ Signs shall not obstruct the public sidewalk
- Ⓜ Signs placed within ROW only with property owner's permission



Sign Code – Temporary Signs

Lauber Municipal Law

- Ⓜ No signs shall be placed within ROW or attached to a utility pole
- Ⓜ No signs shall be erected without property owner's permission
- Ⓜ Temporary signs limited to 120 days
- Ⓜ 25 feet between temporary signs
- Ⓜ No illumination
- Ⓜ Constructed of rigid materials



COMMUNITY
CLEAN UP DAY

OCTOBER 27, 2022
10:00 AM - 4:00 PM

VOLUNTEERS NEEDED!





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Sign Codes and the First Amendment

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About the Firm

Lauber Municipal Law was established for the purpose of serving local governmental entities of all types and sizes. We can serve your community as its general counsel (City Attorney) or as special counsel for technical issues like economic development incentive approvals, annexation, elections, impeachments, and appellate work..

Our goal through Lauber Municipal Law is to meld our previous experience together to provide a high-quality, “big firm” work product, while providing the flexibility, personal responsiveness, and cost effectiveness of a small firm. We completely understand public entities’ needs to obtain the most effective representation possible while considering the fact that these services are compensated from a budget made up of public funds. As the motto for Lauber Municipal Law states: We are proud to serve those who serve others. Our sincere desire is to make that job easier and less stressful for the elected officials and administrative staffs of these entities.