

APPLICATION OF SIGN ORDINANCE 2324 TO ELECTION SIGNS

March 8, 2022

By categorizing a campaign sign as an “election sign” suggests that we are judging CONTENT and has been ruled by the Supreme Court a violation of the First Amendment.

Supreme Court case No. 13-502. Argued January 12, 2015 – Decided June 18, 2015
Reed v. Town of Gilbert, Arizona

Gilbert, Arizona has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including “Political Signs,” defined as signs ‘designed to influence the outcome of an election,’ may be up to 32 square feet and may only be displayed during an election season.

The Supreme Court held: The Sign Code’s provisions are content- based regulations of speech that do not survive strict scrutiny. Pp 6-17.

Ordinance #2324 does not define signs by categories, but as temporary and permanent signs.

As a temporary sign the following apply:

14.11.01 - Basic Purposes and Policies

This Chapter provides for standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with this Chapter, as applicable. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Sherwood, and to achieve the following:

3. Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

- a. Do not interfere with scenic view;
- b. Do not create a nuisance to persons using the public right-of-way;
- e. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore messages, according to the observer’s purpose;
- f. Do not create or worsen visual clutter or visual blight;
- j. Do otherwise protect and preserve a quality landscape in the city;

B. Basic Policies

1. *Message neutrality policy.* It is the policy of the City to regulate signs in a manner that does not favor commercial speech over non-commercial speech and does not regulate protected non-commercial speech by message content.

14.11.04 – Prohibited Signs

The following signs are prohibited in the City of Sherwood.

2. Signs within street or highway right-of-way: No signs whatsoever, whether temporary or permanent, are permitted within and street or highway right-of-way except:
 - a. traffic signs and signals and traffic-directing signs erected by a public agency; or,
 - b. signs required by a franchised utility company; or,
 - c. signs of a contractor doing authorized or permitted work within the public right-of-way.

Any sign found within a street or highway right-of-way, not subject to the above exceptions, shall be confiscated by the City without notice to the business or entity to which the sign pertains.

14.11.06 – Requirements Applying to Specific Signs

The following regulations apply to specific type signs as noted.

B. Freestanding Signs

3. Bulletin Board, Freestanding.

A freestanding bulletin board shall be set back a minimum of fifteen feet (15') from any street right-of-way and shall not exceed sixteen (16) square feet in display surface area.

A. Temporary signs

Unless specifically required herein, individual temporary signs are allowed without permit in any zone and shall not exceed five (5) square feet in surface area, four feet (4') in height, and are required to be set back at least ten feet (10') from the property line or right-of-way, whichever distance is greater.

5. Residential uses. Each legal dwelling unit may have a total display area, cumulative of all signs on the lot, of twenty-four (24) square feet at all times. Such signage may be used to display any protected non-commercial message or a permitted home occupation sign.

6. Non-residential uses. Each non-residential establishment may have a total temporary display area, cumulative of all temporary signs on the lot, of thirty-six (36) square feet at all times. Such signage may be used to display any protected non-commercial and/or commercial message.

KEY TAKEAWAYS

1. No signs are allowed in the street or highway right-of-way
2. No signs are allowed on City owned property

Any sign found within a street or highway right-of-way, not subject to the exceptions in 14.11.04.2, shall be confiscated by the City without notice to the business or entity to which the sign pertains.

3. Freestanding Bulletin Board type signs must be set back fifteen feet (15') from any street right-of-way and shall not exceed sixteen (16) square feet.
4. Signs in Residential Use areas can have a cumulative of twenty-four (24) square feet at all times
 - a. Example: one (1) sign measuring 4ft x 6ft
 - b. Example: two (2) signs measuring 2ft x 6ft or 4ft x 3ft
 - c. Example: twenty-four (24) signs measuring 1ft x 1ft each (**CAUTION:** review 14.11.01.3 regarding interference with scenic views, creation or increase of blight, overwhelming number of messages presented, etc).
5. Signs in Non-residential Use areas can have a cumulative of thirty-six (36) square feet at all times (see Examples in "4." Above).

MUST HAVE PROPERTY OWNER PERMISSION TO PLACE SIGN.

There are no dates related to start, duration or date requiring sign pick-up. However, consider 14.11.01.3.j regarding "...preservation of quality of landscape in the city...".

