

LOCAL GOVERNMENT BLOG

U.S. Supreme Court Issues Opinion Clarifying Sign Restrictions From Prior Ruling In *Reed V. Gilbert*

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The Court's fresh opinion in *City of Austin v. Reagan National Advertising* involved a challenge by two large billboard companies to Austin's prohibition of new off-premises signs. The Billboard companies claimed the City's attempt to distinguish between on and off premises signage violated the First Amendment's free speech clause, and the Court's prior ruling in *Reed*.

In a victory for local government, the Court issued its decision upholding the restrictions on off-premises signage by the City of Austin, and finding that the on/off premises distinction on signage imposed by the Austin was facially content neutral under the First Amendment, and therefore valid.

Of great interest to municipalities, the Court additionally acknowledged the prevailing theory that if a regulation cannot be content neutral, and therefore valid, if its application required a reading of the signage at issue, was too extreme of an interpretation of the Court's prior holding in *Reed*, and that some reading of signage content may be required to evaluate the speech at issue while still remaining content neutral, rejecting the position that any examination of speech or expression automatically triggered a heightened strict scrutiny analysis.

The government law attorneys at Sandberg Phoenix are available to assist governmental entities and businesses with guidance on these signage issues.