

Subject: Problems with Version 8 of the proposed Sign Ordinance  
Author: John Pittman Hey  
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In the discussion that follows, it is assumed that the signage being described is not in a residential zoned area. It appears that the ordinance, with a few exceptions, does not apply to residential areas.

**1. The ordinance applies to all signs including those inside of a building.**

Therefore, unless a sign is specifically exempt from the permit fee requirements, **the erection of any sign, both indoors or outdoors, will require a trip to city hall, the filing of paperwork, and the payment of a fee.** This will be a nightmare for business owners who utilize huge numbers of signs within their establishments. It would also apply to professional offices, churches, and all other establishments which are not located inside a residential zoned area.

Thankfully, window signs are exempt, but in order to qualify for the “temporary business sign” exemption, the sign would have to be visible from outside the building. Thus, **all temporary signs inside a building (except window signs) would be subject to the permitting requirement as the ordinance is now written. This would include indoor cardboard displays, etc.**

Furthermore, **permanent signage erected within a business, a church, an office, or any other building would have to be permitted and the required fee paid.** Many businesses and offices routinely install permanent signage indoors without permission of the government. That right will be taken away under this ordinance.

**2. This ordinance will require obtaining a permit and the payment of fees to erect even the smallest of non-temporary business signs outdoors.**

- a. Small signs announcing the address of a business.
- b. Signs such as alarm company signs.
- c. The attachment of a permanent metal or wooden plate to the façade of a building to display some permanent information about the business, its hours of operation, etc.

**3. This ordinance severely restricts the ability of a business to advertise special offerings or sales. Practically speaking, it outlaws almost all outdoor temporary signs for that purpose.**

**The ordinance does not merely outlaw free-standing banners that promote business. It also prohibits free-standing yard signs, temporary plywood signs, flags, ribbons, and placards attached to stakes or poles.** It permits only two temporary business signs, which must be attached to the building itself.

Clearly, this prohibition will have a major impact upon a host of businesses that now utilize temporary signs to promote their businesses on their own property. These include gas stations, fast food restaurants, grocery stores, along with many others.

Several subordinate concerns are apparent:

- a. **This provision will create a disparate burden for new businesses, small businesses, or businesses struggling to survive.** While established businesses can afford to construct permanent signage near the street to advertise their products, business owners strapped for cash cannot. **Temporary signage near the street is the most economical way for a businessman with limited operating capital to attract customers, yet almost all such signage is outlawed.**
  - b. **This provision will create a problem for people who cannot read signs that are far away from the roadway, attached to the building.** Furthermore, if people who are driving have to slow down to peer far away from the road to the building (which in some cases is many yards away from the roadway), this will create a safety issue for the drivers. People who are nearsighted will be discriminated against in their ability to be informed of, and take advantage of, special sales at various businesses.
  - c. **This provision will completely prohibit temporary businesses from announcing their identities or advertising their goods and prices. Examples of such businesses are Christmas tree sellers, street vendors at our various festivals, charity car wash events being conducted by young people in parking lots, etc.** Because they do not have a building upon which to attach a sign, and because their entire setup is temporary, they will be prohibited from displaying any signage at all.
  - d. This provision will **outlaw temporary signs that businesses often place just outside their doorway,** including menu board signs that cafes and coffee shops traditionally use to announce their menu specials. It will also **outlaw the rack cards** that appear in most newspaper stands.
4. **This ordinance will require obtaining a permit and the payment of fees for almost all non-business related signs (excluding campaign signs), because there are no exemptions available in the ordinance for such signs.**
- a. For example, **any church (not in a residential zone) that desires to erect a permanent or temporary sign,** from a sign naming the church, down to a temporary banner announcing revival services or quoting a verse of scripture or promoting the Gospel message, or even an Easter cross and sash, will be required to obtain government permission at city hall and payment of a permit fee. **Such requirements are repugnant to the principles of religious liberty upon which our nation was founded.**

- b. **Any civic organization that wishes to promote a festival or event by means of a sign** on private property, must obtain a sign permit and pay the fee before it can set up a banner or a yard sign promoting such an event.
- c. **Any owner of non-residential property who wishes to promote a cause, an organization, an event, or an ideal,** be it support for the President, or condemnation of child abuse, or a Little Theatre play, or the Ten Commandments, or Free Enterprise, or the “River to the Rails” celebration, will be required to obtain a permit and pay the fee before erecting a banner or yard sign on his property for such purposes. Only campaign signs, which are related to a specific election, will be exempted from these requirements.

**5. This ordinance discriminates against various signs based upon their message and content.**

In order to pass constitutional muster, a sign ordinance must be neutral with respect to the content of the message and the viewpoint of the message.

- a. **Banners and temporary signs are barred for most business purposes, but are permitted for every other message or purpose.** For example, a free-standing banner promoting the sale of beer at an establishment will be prohibited, but a banner at the same location calling for the boycott of Budweiser would be permitted.
- b. **Temporary yard signs are permitted to advertise real estate for sale, but not the sale of any other items,** such as pumpkins or soft drinks or hamburgers.
- c. Temporary signs to promote a candidate for election may be displayed without a permit or fee, but **all other signs promoting issues or ideals or supporting political figures not running for election may not be displayed without the obtaining of government permission** and the payment of a fee.