

## Report to the Manitowoc Plan Commission

**Meeting Date:** January 22, 2020

**Request:** PC 3-2020: Amendment to Chapter 15.450 - Sign Ordinance; Amending the Ordinance to Incorporate Content Neutrality language.

**Reason for Request:** In the Federal Supreme Court case, Reed v. Town of Gilbert the court unanimously invalidated a sign ordinance that treated signs differently based on their content; making it a violation of the First Amendment regarding Freedom of Speech. Signs are protected because they are a form of speech.

**Report:** The general rule of thumb behind the Court case is “if a municipality must read the sign to determine how to regulate the sign then the ordinance more than likely violates the First Amendment”. A sign ordinance cannot discriminate on the type of message; obscene, vulgar etc messages can be prohibited. Treatment of on-site vs. off-site distinction remains uncertain; ie billboards.

Government may impose reasonable time, place and manner restrictions on speech as long as restrictions are: content neutral, are narrowly tailored to serve a significant governmental interest and leave open ample alternative channel to communicate the information. (from UWEX Local Land Use Planning and Zoning presentation)

### Timeline

- Community Development Staff and the Attorney's office will be meeting on the Tuesday prior to the Plan Commission meeting to discuss the proposed Ordinance. There may be additional changes to the draft ordinance based on the meeting. The intent of the discussion at Plan Commission is to make the Commission aware of the content neutrality discussions and to bring the Commission up to date on the Sign Ordinance re-write.

**Recommendation:** Approve the ordinance as presented.