



Legislation Text

File #: 22-0087, **Version:** 1

Public Hearing Regarding Sign Ordinance and Moratorium

SUMMARY: The Council will discuss the need for a moratorium on sign permits until the Sign Ordinance Committee can complete its draft to be presented to City Council.

Due to court rulings, it has been determined that the City of Crossville's sign ordinance is invalid and cannot be enforced. A moratorium on sign permits is requested to allow the sign ordinance to be brought up to current standards according to the law.

The City of Crossville's current definition of a business sign or on-premise sign is "a sign which advertises the business or other activity conducted on or principal products sold on the property upon which the sign is located." This verbiage is considered to be content specific and unconstitutional. The City must define this by location only. If a City official has to read the sign to determine it is on-premise, then the regulation is not legal. This is also the case for outdoor advertising sign or off-premise sign which is defined as, "intended or used to advertise or inform or otherwise directs attention to a business, commodity, service or activity generally conducted, sold or primarily offered elsewhere than upon the premises where the sign is located." If a City official is required to read the sign to determine it is off-premise, then the regulation is not legal.

In 2017 the U.S. Supreme Court found TDOT regulations to be unconstitutional as they were based on content. The Supreme Court has recognized that the First Amendment permits restrictions upon the content of speech in a few limited areas, including obscenity, defamation, fraud, incitement, fighting words, and speech integral to criminal conduct.

It is important to note that the City can still regulate content that is obviously offensive. The Supreme Court has recognized that the First Amendment permits restrictions upon the content of speech in a few limited areas, including obscenity, defamation, fraud, incitement, fighting words, and speech integral to criminal conduct. "This "two-tier" approach to content-based regulations of speech derives from Chaplinsky v. New Hampshire, wherein the Court opined that there exist "certain well-defined and narrowly limited classes of speech that are no essential part of any exposition of ideas, and are of such slight social value as a step to truth" such that the government may prevent those utterances and punish those uttering them without raising any constitutional issues."

A public hearing was published regarding the moratorium 15 days prior to the hearing, as required by law.

BUDGET ACCOUNT:

NECESSARY COUNCIL ACTION: