



**AGENDA**  
**BOARD OF ADJUSTMENTS AND APPEALS**  
**Regular Session**  
**TOWN OF CAMP VERDE**  
**473 S. MAIN STREET, CAMP VERDE, AZ 86322**  
**TUESDAY, MAY 10<sup>TH</sup>, 2016**  
**3:00 PM**  
**COUNCIL CHAMBERS**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Board so requests.
  - a. **Approval of Minutes**  
February 9<sup>th</sup>, 2016 – Regular Session
  - b. **Set Next Meeting, Date and Time**  
As Needed
5. **Call to the Public for items not on the Agenda**  
*Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Board from taking any action on items not on the agenda, except to set them for Consideration at a future date.*
6. **Presentation and Discussion on Reed VS Town of Gilbert and potential impacts to Section 404 – Signs, of the current Planning and Zoning Ordinance.** Staff Resource: Community Development Director, Michael Jenkins

**There Will Be No Public Input On The Following Items:**

7. **Current Events:** (Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration, or take any action on any such item, except that an individual Board member may request an item be placed on a future agenda.)
8. **Adjournment**

**Please note:** Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with Staff prior to a meeting for copies of supporting documentation that may have been unavailable at the time agenda packets were prepared.

Posted by:  Date/Time: 4/26/16 10:00am

*Note: Pursuant to A.R.S. §38-431.03A.2 and A.3, the Board of Adjustments & Appeals may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.*

**The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.**

**DRAFT MINUTES  
BOARD OF ADJUSTMENTS AND APPEALS  
Regular Session  
TOWN OF CAMP VERDE  
473 S. MAIN STREET, CAMP VERDE, AZ 86322  
TUESDAY, FEBRUARY 9, 2016  
3:00 PM  
COUNCIL CHAMBERS**

**1. Call to Order**

Due to unforeseen circumstances Council Chambers, Room 106, was unavailable for this meeting. The meeting was moved to Room 102 at 2:50PM and a sign was placed on the door of Council Chambers to direct members of the public to the alternative meeting location.

Chairman Binick called the meeting to order at 3:00PM.

**2. Roll Call**

Present is Chairman Binick and Board Members Greg Blue, Murray Lichty, Doug Stevens, Buck Buchanan, BJ Davis, and Ben Bassous.

Also present is Community Development Director Michael Jenkins, Assistant Planner/Recording Secretary Kendall Welch, Building Official Robert Forman, and Residential Building Inspector Emily Diver.

**3. Pledge of Allegiance**

Chairman Binick led the pledge.

**4. Consent Agenda – All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Board so requests.**

**a. Approval of Minutes**

October 13, 2015 – Regular Session

**b. Set Next Meeting, Date and Time**

As Needed

A motion to approve the consent agenda as presented was made by Board Member Blue. The motion was seconded by Board Member Lichty. All Board Members are in favor and the motion passes unanimously.

**5. Call to the Public for items not on the Agenda**

*Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Board from taking any action on items not on the agenda, except to set them for consideration at a future date.*

There were no comments from the public.

**6. Election of Officers**

Chairman Binick welcomed the new members, Davis and Bassous, to the Board.

Board Member Blue made a motion to nominate Board Member Binick to remain as Chairman, and Board Member Davis to serve as Vice Chairman. The motion was seconded by Board Member Buchanan. Chairman Binick abstains from voting for Chairman, and votes yes to Davis as Vice Chairman. Board Member Davis abstains from voting for Vice Chairman, and votes yes to Binick as Chairman. The remaining Board Members are all in favor. Motion passes.

**7. Presentation and Discussion on Appeals to the Board as related to the Planning & Zoning Ordinance.** Staff Resource: Community Development Director, Michael Jenkins

Community Development Director Michael Jenkins gave a brief presentation to the Board regarding the Planning & Zoning Ordinance in relation to the Board of Adjustment/Board of Appeals. Jenkins explained to the Board that the Board is a quasi-judicial board, and that any aggrieved decisions made by the Board are heard before Superior Court. Jenkins gave a brief overview of variances, and explained that variances cannot be self-imposed. Jenkins concluded by stating that the Board of Adjustments/Board of Appeals is a dual board that also will hear building matters, i.e. persons that are aggrieved with decisions, interpretations, made by the Building Official.

Vice Chairman Davis asked Jenkins if there was any conflict of interest between members who serve on both the Board of Adjustments/Board of Appeals and the Planning & Zoning Commission. Jenkins stated that there is no conflict of interest as persons with aggrieved decisions made by the Planning & Zoning Commission, just like Board of Adjustment/Board of Appeals are heard in Superior Court, and not by the Board of Adjustment/Board of Appeals.

Chairman Binick asked Jenkins if there were any monies available to the Board to attend seminars or training hosted at events such as League of Cities & Towns. Jenkins stated that the Community Development Department will be requesting funds in the FY 16/17 budget for Board Members to attend training events.

**8. Presentation and Discussion on Appeals to the Board as related to the 2012 Building Codes.** Staff Resource: Building Official, Robert Foreman

Building Official Robert Foreman gave a brief presentation to the Board in regards to the adopted building codes. Foreman explained to the Board that the Board does not have the ability to waive code requirements. However, Foreman did explain that the Board can make a recommendation to Town Council if warranted, to amended adopted codes. Foreman also added that Town Code allows the Board to consult with the Town Attorney, or other experts, in order to render their decision.

Chairman Binick added that he would like to request that the Town Attorney be at least available by phone in order to answer any questions that may come up when there are actual items on the agenda.

**There Will Be No Public Input On The Following Items:**

- 9. Current Events:** (Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration, or take any action on any such item, except that an individual Board member may request an item be placed on a future agenda.)

There were no current events discussed.

**10. Adjournment**

A motion to adjourn the meeting was made by Board Member Buchanan. The motion was seconded by Board Member Blue. All Board Members are in favor and the motion passes unanimously. The meeting was adjourned at 3:18PM.

\_\_\_\_\_  
Jim Binick – Board of Adjustment and Appeals Chairman                      Date

\_\_\_\_\_  
Michael Jenkins – Community Development Director                      Date

**CERTIFICATION:** I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona held on the 4th day of February, 2016. I further certify that the meeting was duly called and that a quorum was present.

Dated this \_\_\_\_ Day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Kendall Welch – Recording Secretary

DRAFT

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

## Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), 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 three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “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. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

*Held:* The Sign Code’s provisions are content-based regulations of

## Syllabus

speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. \_\_\_, \_\_\_. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at \_\_\_. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “justified without reference to the content of the regulated speech,” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

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is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. \_\_\_\_, \_\_\_\_. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.*, warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

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707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

**SUPREME COURT OF THE UNITED STATES**

No. 13–502

**CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.**

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).<sup>1</sup> The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is “Temporary Directional Signs Relating to a Qualifying Event,” loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

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<sup>1</sup>The Town’s Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> (as visited June 16, 2015, and available in Clerk of Court’s case file).

## Opinion of the Court

I  
A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is “Ideological Sign[s].” This category includes any “sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency.” Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all “zoning districts” without time limits. §4.402(J).

The second category is “Political Sign[s].” This includes any “temporary sign designed to influence the outcome of an election called by a public body.” Glossary 23.<sup>2</sup> The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and “rights-of-way.” §4.402(I).<sup>3</sup> These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

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<sup>2</sup>A “Temporary Sign” is a “sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.” Glossary 25.

<sup>3</sup>The Code defines “Right-of-Way” as a “strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities.” *Id.*, at 18.

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The third category is “Temporary Directional Signs Relating to a Qualifying Event.” This includes any “Temporary Sign intended to direct pedestrians, motorists, and other passersby to a ‘qualifying event.’” Glossary 25 (emphasis deleted). A “qualifying event” is defined as any “assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization.” *Ibid.* The Code treats temporary directional signs even less favorably than political signs.<sup>4</sup> Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the “qualifying event” and no more than 1 hour afterward. *Ibid.*

## B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

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<sup>4</sup>The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as “Religious Assembly Temporary Direction Signs.” App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town redefined the category as “Temporary Directional Signs Related to a Qualifying Event,” and it expanded the time limit to 12 hours before and 1 hour after the “qualifying event.” *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.

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tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F.3d 966, 979 (2009). It reasoned that, even though an enforcement

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officer would have to read the sign to determine what provisions of the Sign Code applied to it, the “kind of cursory examination” that would be necessary for an officer to classify it as a temporary directional sign was “not akin to an officer synthesizing the expressive content of the sign.” *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code’s sign categories were content neutral. The court concluded that “the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.” 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court’s decision in *Hill v. Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” *Ibid.* Accordingly, the court believed that the Code was “content-neutral as that term [has been] defined by the Supreme Court.” *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. \_\_\_\_ (2014), and now reverse.

## Opinion of the Court

## II

## A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws “abridging the freedom of speech.” U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V. v. St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. \_\_\_, \_\_\_–\_\_\_ (2011) (slip op., at 8–9); *Carey v. Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra*, at 95. This commonsense meaning of the phrase “content based” requires a court to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Sorrell*, *supra*, at \_\_\_ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be “justified without reference to

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the content of the regulated speech,” or that were adopted by the government “because of disagreement with the message [the speech] conveys,” *Ward v. Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

## B

The Town’s Sign Code is content based on its face. It defines “Temporary Directional Signs” on the basis of whether a sign conveys the message of directing the public to church or some other “qualifying event.” Glossary 25. It defines “Political Signs” on the basis of whether a sign’s message is “designed to influence the outcome of an election.” *Id.*, at 24. And it defines “Ideological Signs” on the basis of whether a sign “communicat[es] a message or ideas” that do not fit within the Code’s other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke’s *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government. More to the point, the Church’s signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

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## C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

## 1

The Court of Appeals first determined that the Sign Code was content neutral because the Town "did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed," and its justifications for regulating temporary directional signs were "unrelated to the content of the sign." 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be "justified without reference to the content of the regulated speech." Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429 (1993). We have thus made clear that "[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment," and a party opposing the government "need adduce 'no evidence of an improper censorial motive.'" *Simon & Schuster, supra*, at 117. Although "a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary." *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 642 (1994). In other words, an

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innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law's justification or purpose. See, e.g., *Sorrell, supra*, at \_\_\_\_–\_\_\_\_ (slip op., at 8–9) (statute was content based “on its face,” and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U. S. 310, 315 (1990) (“Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government’s asserted *interest* is related to the suppression of free expression” (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) (“The text of the ordinance is neutral,” and “there is not even a hint of bias or censorship in the City’s enactment or enforcement of this ordinance”); *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be “justified without reference to the content of the regulated speech”); *United States v. O’Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute “on its face deals with conduct having no connection with speech,” but examining whether the “the governmental interest is unrelated to the suppression of free expression”). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government’s purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

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city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech “because of disagreement” with its message, and whether the regulation was “justified without reference to the content of the speech.” *Id.*, at 791. But *Ward’s* framework “applies only if a statute is content neutral.” *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.*, the “abridg[ement] of speech”—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. “The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.” *Hill, supra*, at 743 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U. S. 415 (1963), the Court encountered a State’s attempt to use a statute prohibiting “improper solicitation” by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the “regulation of professional conduct” rendered the statute consistent with the First Amendment, observing that “it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.” *Id.*, at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church’s

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substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly “rejected the argument that ‘discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.’” *Discovery Network*, 507 U. S., at 429. We do so again today.

## 2

The Court of Appeals next reasoned that the Sign Code was content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, “[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted.” 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that “content based” is a term of art that “should be applied flexibly” with the goal of protecting “viewpoints and ideas from government censorship or favoritism.” Brief for Respondents 22. In the Town’s view, a sign regulation that “does not censor or favor particular viewpoints or ideas” cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is “endorsing or suppressing ‘ideas or viewpoints,’” *id.*, at 27, and the provisions for political signs and ideological signs “are neutral as to particular ideas or viewpoints” within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on “the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of

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content discrimination.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). But it is well established that “[t]he First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra*, at 428. The Town’s Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

## 3

Finally, the Court of Appeals characterized the Sign Code’s distinctions as turning on “the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.” 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code’s distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

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signs advertising the Church's meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code's distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because “[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content,” *Citizens United v. Federal Election Comm’n*, 558 U. S. 310, 340 (2010), we have insisted that “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference,” *Turner*, 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code's distinctions hinge on “whether and when an event is occurring.” The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is “designed to influence the outcome of an election” (and thus “political”) or merely “communicating a message or ideas for noncommercial purposes” (and thus “ideological”). Glossary 24. That obvious content-based

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inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem “entirely reasonable” will sometimes be “struck down because of their content-based nature.” *City of Ladue v. Gilleo*, 512 U. S. 43, 60 (1994) (O’Connor, J., concurring).

## III

Because the Town’s Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, “which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,” *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. \_\_\_, \_\_\_ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S., at 340). Thus, it is the Town’s burden to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-

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lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a "law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited," *Republican Party of Minn. v. White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

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## IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an “absolutist” content-neutrality rule would render “virtually all distinctions in sign laws . . . subject to strict scrutiny,” Brief for Respondents 34–35, but that is not the case. Not “all distinctions” are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F. 3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert’s were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F. 2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs “take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.” *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

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signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

\* \* \*

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

*It is so ordered.*

ALITO, J., concurring

**SUPREME COURT OF THE UNITED STATES**

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and  
JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of  
further explanation.

As the Court holds, what we have termed “content-  
based” laws must satisfy strict scrutiny. Content-based  
laws merit this protection because they present, albeit  
sometimes in a subtler form, the same dangers as laws  
that regulate speech based on viewpoint. Limiting speech  
based on its “topic” or “subject” favors those who do not  
want to disturb the status quo. Such regulations may  
interfere with democratic self-government and the search  
for truth. See *Consolidated Edison Co. of N. Y. v. Public  
Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case  
are replete with content-based distinctions, and as a result  
they must satisfy strict scrutiny. This does not mean,  
however, that municipalities are powerless to enact and  
enforce reasonable sign regulations. I will not attempt to  
provide anything like a comprehensive list, but here are  
some rules that would not be content based:

Rules regulating the size of signs. These rules may  
distinguish among signs based on any content-neutral  
criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

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placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.\*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today's decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

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\* Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions "must be narrowly tailored to serve the government's legitimate, content-neutral interests." *Ward v. Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

BREYER, J., concurring in judgment

**SUPREME COURT OF THE UNITED STATES**

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APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN’s separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment’s expressive objectives and to the public’s legitimate need for regulation than a simple recitation of categories, such as “content discrimination” and “strict scrutiny,” would permit. In my view, the category “content discrimination” is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic “strict scrutiny” trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos v. Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

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speakers. *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972) (“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say”). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic “strict scrutiny” trigger is not to argue against that concept’s use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government’s rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual’s ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

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of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.*, 15 U. S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.*, 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.*, 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol “Rx only”); of doctor-patient confidentiality, *e.g.*, 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient’s spouse or sexual partner); of income tax statements, *e.g.*, 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, *e.g.*, 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.*, N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit “‘strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area’”); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court’s many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to “commercial speech.” *Central Hudson Gas & Elec. Corp. v. Public Service Comm’n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of “content-based” regulation are noncommercial. And, worse than that, the Court has applied the heightened

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“strict scrutiny” standard even in cases where the less stringent “commercial speech” standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U. S. \_\_\_, \_\_\_ (2011) (BREYER, J., dissenting) (slip op., at \_\_\_). The Court has also said that “government speech” escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, “[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists.” *R. A. V. v. St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that “strict scrutiny” normally carries with it. But, in my view, doing so will weaken the First Amendment’s protection in instances where “strict scrutiny” should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

BREYER, J., concurring in judgment

and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U. S. \_\_\_, \_\_\_–\_\_\_ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny.” Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.

KAGAN, J., concurring in judgment

**SUPREME COURT OF THE UNITED STATES**

No. 13-502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and  
JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11-13-2.3, 11-13-2.9(H)(4) (2014). In other municipalities, safety signs such as “Blind Pedestrian Crossing” and “Hidden Driveway” can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7-4-7(1) (1993). Elsewhere, historic site markers—for example, “George Washington Slept Here”—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to “scenic and historical attractions” or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court’s analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

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that “entirely reasonable” sign laws “will sometimes be struck down” under its approach (internal quotation marks omitted)). Says the majority: When laws “single[] out specific subject matter,” they are “facially content based”; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the “rare case[] in which a speech restriction withstands strict scrutiny.” *Williams-Yulee v. Florida Bar*, 575 U. S. \_\_\_, \_\_\_ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U. S. 221, 231 (1987). So on the majority’s view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.\*

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\* Even in trying (commendably) to limit today’s decision, JUSTICE ALITO’s concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of “signs advertising a one-time event.” *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority’s view, a law with an exception for such signs “singles out specific subject matter for

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Although the majority insists that applying strict scrutiny to all such ordinances is “essential” to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court’s decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail.” *McCullen v. Coakley*, 573 U. S. \_\_\_, \_\_\_–\_\_\_ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech “based on hostility—or favoritism—towards the underlying message expressed.” *R. A. V. v. St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over “name and address” signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in non-public or limited public forums) when a law restricts “discussion of an entire topic” in public debate. *Consolidated*

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differential treatment” and “defin[es] regulated speech by particular subject matter.” *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that “the Code singles out signs bearing a particular message: the time and location of a specific event.” *Ante*, at 14.

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*Edison Co. of N. Y. v. Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that “[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose ‘which issues are worth discussing or debating.’” *Id.*, at 537–538 (quoting *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may “suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people.” *First Nat. Bank of Boston v. Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic “favors those who do not want to disturb the status quo”). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction “raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace”—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public’s debate of ideas—so when “that risk is inconsequential, . . . strict scrutiny is unwarranted.” *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is “no significant danger of idea or viewpoint discrimination”). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

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sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that “we have identified numerous situations in which [the] risk” attached to content-based laws is “attenuated”). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating “historical, cultural, or artistic event[s]” from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law’s enactment and enforcement revealed “not even a hint of bias or censorship.” *Id.*, at 804; see also *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views”). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance’s exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

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level-of-scrutiny question because the law’s breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*’s tack here. The Town of Gilbert’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs “need to be smaller because they need to guide travelers along a route.” Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town’s ordinance under even the intermediate scrutiny that the Court typically applies to “time, place, or manner” speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority’s insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them “entirely reasonable.” *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no

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one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.

- a. Off-street loading space may occupy all or any part of a required rear yard, except as otherwise provided herein, and may be partially or entirely enclosed within a building;
  - b. Where a building or use in a non-residential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces; provided, however, that no alley abutting any residential district may be so used.
3. Every required off-street loading space shall have a minimum width of 12 feet, a minimum length of 25 feet, except where off-street loading involves the use of vehicles in excess of 25 feet, then the minimum length shall be 55 feet and a minimum height of fourteen 14 feet, exclusive of access aisles and maneuvering space.
  4. Required Loading Spaces shall be provided in accordance with the schedule below:

<u>Total Floor Area of Building</u>	<u>Number of Loading Spaces Required</u>
20,000 sq.ft. to 30,000 sq.ft.	1
30,000 sq.ft. to 50,000 sq.ft.	2
For each 100,000 additional sq.ft.	1

## **SECTION 404 - SIGNS**

### **A. Purpose and Intent**

1. The purpose of the Signs section is to provide fair, comprehensive, and enforceable regulations that will foster a good visual environment for Camp Verde, enhancing it as a place to live and do business. The intent of the Signs section is to improve the effectiveness of signs by preventing their over concentration, improper placement, excessive height, area and bulk, and by limiting their illumination and animation.
2. Sign regulations protect property values; provide an improved visual environment for citizens and visitors; promote and aid the tourist industry; protect the general public from damage and injury which may be caused by faulty and uncontrolled construction of signs; protect motorists and pedestrians from possible injury caused by the distractions or obstructions of improperly situated signs; and promote the public safety, welfare, convenience, and enjoyment of travel and the free flow of traffic within the Town.

### **B. Applicability, Exemptions and Prohibitions**

1. The regulations of the Signs section apply to all signs located or maintained within the Town of Camp Verde, except for signs which are deemed nonconforming signs per Part One and except for the following exemptions.
2. Exemptions from sign regulations:
  - a. signs within the interior of buildings, including inside of window areas.
  - b. signs directing or pertaining to traffic, parking or loading and street names, or providing warning or safety instructions (e.g. stop engines, no smoking, utility easement/hazard location).
  - c. signs not more than two square feet in area for entry, exit or street address purposes, and nameplates as defined in Subsection C. and regulated in Subsection F.

- d. governmental signs, symbols, flags (under 30 ft in height and not used for business advertising purposes), and official notices.
  - e. temporary decorations for national and state holidays, and A-frame signs which temporarily advertise Town sponsored events or approved community-wide events.
  - f. vehicular signage lettered or attached with magnetic devices on a motor vehicle used for business, but not "advertising vehicle" as defined in subsection C, Definitions and prohibited in subsection B.4; or to signage on licensed taxicabs or transit buses which carry passengers for a fare.
  - g. Memorial plaques and building cornerstones when cut or carved into masonry surface or when made of noncombustible material and made an integral part of the building or structure.
  - h. Commemorative symbols, plaques and historical tablets.
  - i. Some temporary signs as specified by and in compliance with regulations of Subsection D.
3. Accessory Use: all signs are considered accessory uses, except for off premise signs.
4. Prohibitions: it is unlawful for any person to erect or place any sign prohibited by this section, or for any person to maintain, keep, or allow to remain, on property owned or occupied by him, any sign prohibited in the Town of Camp Verde as follows:
- a. Unlawful to park a vehicle for the purpose of advertising; such vehicle is termed an "advertising vehicle" as defined in Subsection C, Definitions.
  - b. Signs located within, on or projecting over any public right-of-way except for businesses immediately adjacent and fronting the right-of-way of Main Street from Arnold Street to General Crook Trail.
  - c. Signs located on a roof or those that do not create a parapet or a parapet wall as defined in Subsection C.
  - d. Any sign which interferes with or confuses traffic or represents a traffic hazard, and those which imitate or resemble official traffic or government signs or signals.
  - e. Signs with flashing or intermittent illumination and those illuminated of such brilliance or position as to blind or dazzle the vision of travelers. (This does not include Christmas lights, during the Christmas season: November 1 - January 15).
  - f. An animated sign or a sign that is moving, rotating, or audible in any manner.
  - g. Automatic changing signs unless they promote the time and temperature. Such signs shall change at intervals of three seconds or more.
  - h. No sign shall be painted on or affixed to any natural object in its natural location such as a boulder, tree or cliff face.
  - i. Abandoned, dangerous, or defective signs.
  - j. Signs erected, placed, constructed, or maintained in violation of this ordinance.
  - k. Signs which are misleading, erroneous, or provide false information and advertising, words or pictures which are obscene or indecent.
  - l. A-Frame signs located within the Town Limits, except as permitted above in Subsection B. 2. e for temporary advertising of Town-sponsored events or approved community-wide events, and

except as permitted as per Subsection G.

- m. Any signs not maintained in a safe and attractive manner, including the replacement of defective parts, painting, repainting, cleaning and other maintenance necessities.

### C. Definitions

The following sign-related words, terms, and phrases, shall have the following meanings when used in this section:

**"A-Frame sign"** describes a portable sign, also referred to as a "sandwich board" sign, comprised of two separate panels or faces typically joined at the top with a hinge and widened at the bottom to form a shape similar to the letter "A". A-frame signs are not considered off premise signs.

**"Abandoned sign"** means a sign which no longer correctly advertises an ongoing business, a bona fide lessor or owner, an available product, or activity conducted which no longer correctly directs any person to a location where the advertised goods or services are available. A sign shall be deemed abandoned after 120 days.

**"Advertising vehicle"** means a vehicle or trailer parked on private or public property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This is not applicable to any form of vehicular signage lettered on a motor vehicle or attached with magnetic devices or to licensed taxicabs or transit buses which carry passengers for a fare.

**"Aggregate signage"** shall be the total allowable wall signage calculated plus free-standing or monument signs.

**"Alter" or "alteration"** means the changing in structural components or decrease or increase in size, height or location. It shall also mean any change in content, including the business and/or product advertised. It shall also mean any change in advertising content if such change causes the sign to change in classification from an on-premise sign to an off-premise sign or vice versa.

**"Animated sign"** means any sign which includes action or motion. This shall include the movement of any light used in connection with any sign such as blinking, traveling, flaring, or changing degree of intensity of any light movement other than burning continuously.

**"Balloon"** means an inflatable device greater than thirty-six inches in diameter.

**"Banner"** means any sign of lightweight fabric, plastic, paper or other light pliable material.

**"Building directory sign"** means a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

**"Building face" or "wall"** means the area of a building in one plane or elevation.

**"Building frontage"** means the linear length of a building face.

**"Canopy" or "marquee"** means a permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as metal, wood, glass, plastic, or canvas.

**"Canopy sign" or "marquee sign"** means any sign attached to or constructed in or on a canopy or marquee.

**"Changing sign (automatic,)"** means an electronically or electrically controlled public service time and temperature sign, message center or reader board, where different copy changes are shown on the same lamp bank. Such changes shall occur at intervals of three seconds or more.

**"Commercial Center/Mall"** means a group of three or more commercial operations planned and designed for the site on which it is built, functioning as a unit, with off-street parking as an integral part of the unit. The site may or may not be under common ownership.

**"Construction"** means the placement or attachment of sign-related materials (e.g. posts, poles, brackets, standards, bolts, screws, lumber, concrete, block, footings, and/or paint) on the ground or on an existing building or other structure.

**"Copy"** means the wording and graphics on a sign surface.

**"Flag"** means any sign with or without lettering or symbols, of lightweight fabric, plastic, paper or other light pliable material that is mounted to a pole.

**"Free-standing sign"** means a sign erected on a free-standing frame, supported by one or more uprights, mast or pole, set in a fixed position in the ground and not attached to any building.

**"Freeway sign"** means a free-standing sign directing attention to a restaurant, lodging facility, vehicle fuel sales business offered upon the same premises as those upon which the sign is located. Freeway signs are allowed in accordance with the freeway sign criteria as noted.

**"Frontage"** means the length of the property line of any one premise along a public right-of-way on which it borders.

**"Grade"** means the average elevation of the ground within a radius of five feet from the center point of the sign.

**"Ground clearance"** means the distance from the adjacent grade to the bottom surface of the sign.

**"Height of sign"** means the vertical distance measured from the adjacent grade, which permits the greatest height to the highest point of the sign.

**"Indirectly illuminated sign,"** means any sign which reflects light from a different source directed upon it.

**"Lot"** means any legally created lot, parcel, tract or land, shown on a plat of record or recorded by metes and bounds.

**"Lot, corner or corner lot"** means a lot situated at the intersection of two or more streets having an angle of intersection not more than one hundred thirty-five degrees.

**"Maintenance" or "maintain"** means the replacing or repairing of a part or portion of a sign.

**"Menu board"** means a permanently mounted structure displaying the bill of fare for a drive-in or drive-thru business. Such signs are not for the purpose of business identification or advertising and are intended for view of customers who are currently on the premises. Maximum letter height for all copy of such signs is limited to two inches.

**"Monument sign"** means a sign which is mounted on a base at ground level.

**"Mural"** means a drawing or painting affixed either directly or indirectly on a building or land which depicts a scene or picture. Such picture or drawing shall not be for the primary purpose of conveying information which identifies or advertises a product, place, activity, person, institution, or business. A mural may contain a sign so long as the primary function or purpose of the mural is not a sign. Any portion of a mural that is a sign is subject to the requirements of this Section for that portion only. A mural is subject to the permitting procedures.

**"Nameplate"** means a non-electric sign identifying only the name and/or address of the occupants of the residence on which the sign is located.

**"Nonconforming sign"** - see Part One, Section 102.

**"Off-premise sign"** means a sign advertising a business, place, activity, goods, services, products, which directs persons to a different location from where the sign is located. A-Frame signs are not considered off-premise signs.

**"On-premise sign"** means any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed. A-framed signs are not considered off-premise signs.

**"Parapet" or "parapet wall"** means the extension of a false front or wall above a roofline.

**"Pennant"** means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

**"Portable sign"** means any sign not permanently attached to the ground or a building.

**"Premises"** means any piece of improved or unimproved real estate.

**"Projecting signs"** means a sign, other than a wall sign, which is attached to and projects from a structure or building face.

**"Public place"** means any and all dedicated streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, spaces, grounds, and buildings.

**"Real estate/property for sale, rent or lease sign"** means any sign pertaining to the sale, lease or rental of land or buildings.

**"Reconstruction, substantial"** means improvement or repair valued in excess of 50% of the current value of a sign. Reconstruction does not include merely repainting or changing the copy of the sign if the use, size and location remain the same.

**"Roof sign"** means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

**"Sign"** means any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information with the exception of window displays and flags of any nation, government, or non-commercial organizations. For the purpose of removal, signs shall also include all sign structures.

**"Sign area"** means the area of the largest single face of the sign within a continuous line that would form a rectangle or square shape, including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled, as described below for the number of Sign Faces:

One: If a sign has copy on one side only, or if the interior angle between the two sign faces or sides is 45 degrees OR LESS, the sign shall be considered double faced, and the sign area will be the area of one face only.

Two: If the angle between the two sign faces is greater than 45 degrees, it shall be considered two faces, and the area will be the sum of the areas of both faces; and, if two sign faces are attached to a structure with a thickness exceeding 36 inches or the two faces are separated by a distance exceeding 36 inches, then the sign area will be the area of both faces.

Multi-faced: If a sign contains more than two sides, the area shall be the sum of the area of the largest side plus the areas of any other sides whose interior angle with any other side exceeds 45 degrees.

**"Sign Directional"** means any sign which is designed solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed and which contains no advertising copy.

**"Sign Directory"** means any sign listing the names, use or location of the business or activities conducted within a building or group of buildings and placed on the property to which or on which the public is directed.

**"Sign structure"** means any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

**"Subdivision directional sign"** means a sign limited to directional messages or direction instructions for new subdivisions and may be on or off premise and such signs shall be made of any heavy duty, weather-resistant material including laminated paper, plastic, metal or wood.

**"Temporary sign"** means any sign or advertising display intended to be viewed for a temporary period of time, ordinarily until the happening of a particular event; Sec 404D.

**"Under-canopy sign"** or **"under-marquee sign"** means a sign suspended below the ceiling or roof of a canopy or marquee.

**"Wall sign"** means a sign mounted flat against or painted on the wall of a building with the face in a parallel plane to the plane of the building wall.

**"Window sign"** means a sign installed inside a window for the purpose of viewing from outside the premises. This term does not include merchandise located in a window.

## D. Temporary Signs

<b>REQUIREMENTS FOR PERMITTED TEMPORARY SIGNS</b>				
<b>Temporary Signs shall be permitted in conformance with provisions specified below.</b>				
<b>Type/ Purpose</b>	<b>Maximum Size/Area</b>	<b>Location/ Property</b>	<b>Maximum Time Period Allowed:</b>	<b>Comment/Additional Regulation</b>
Event, Show, Election, Public Notice*	16 sq ft; max 2'x2' in Public R/W ****Except in Council Designated (Event Show) temporary sign areas.	On-site, or with Owner's written permission	10 days after event; in Public R/W: max 48 hrs after and max 30 days total	Public R/W ** only for Local Events,*** but not on street, traffic, or utility poles; must not create traffic visual obstruction
For Sale, Lease or Rent	7 sq ft; max 32 sq ft per 500' street frontage;	On-site for sale, lease, rent;	10 days after close of escrow or lease;	Permit & Fees required for Temporary signs greater than 7 sq ft;
Open House	max 3 signs @ 7 sq ft, two sided, no illumination	on/off-site with owner's written permission	only when sales person in home being advertised	Not in Public R/W
Opening New Subdivision	32 sq ft to 100 sq ft per Final Plat; 1 sign per exterior street	On-site, min 5' setback from R/W	3 years from date of permit issuance	Not permitted in Public R/W; Permit & Fees required
Opening New Multi-Family, Commercial, Industrial	32 sq ft; 1 add'l sign per exterior street under same ownership	On-site, min 5' setback from R/W	1 year from installation or certificate of occupancy, whichever occurs first	Not permitted in Public R/W; Permit & Fees required
Buildings under Construction	32 sq ft; max 16 sq ft in single-family residential	On building under construction	_____	Permit & Fees required
Directional for New Subdivision	1.5 sq ft, 3ft hgt per sign; max 30 signs 20' apart; 40' from other signs; 5 max per 500' same street	On/off-site w/in 3mi radius with Owner's written permission	3 years from date of permit issuance	Not permitted in Public R/W; Permit & Fees required
Garage/Yard Sales	2' x 3'	With Owner's written permission	Duration of sale; immediate removal after	Not permitted in Public R/W; phone number required on signs
Balloons	1 balloon, in new condition, per business	On-site	Max:14 days - no permit; 15-60 days max per year with required permit	Not permitted in Public R/W; Balloon & lines not metallic or electric conductor material

\*Permit fees may be waived for non-commercial temporary event/election/notice sign use.

\*\*Political signs are prohibited on any State highway right-of-way.

\*\*\*Local Events are Town-sponsored events, approved community-wide events and others pertaining to the Town of Camp Verde.

\*\*\*\*In Council designated Community (Event & Show) temporary sign areas. Those wanting to utilize this area must sign up on an availability list at the Camp Verde Public Works office. Only Town employees are allowed to put up & take down signs in these areas. A maximum of 16 square feet sign size is allowed in these areas. Ord. 2011-A380 11-26-2011

**E. Banners, Flags and Pennants**

The temporary use of banners, flags and pennants shall be permitted in accordance with provisions specified below.

<b>REQUIREMENTS FOR PERMITTED BANNERS, FLAGS &amp; PENNANTS</b>				
<b>Type/ Purpose</b>	<b>Maximum Size/Area</b>	<b>Location Private Property</b>	<b>Maximum Time Period Allowed:</b>	<b>Comment/Additional Regulation</b>
<b>Banners in Commercial &amp; Multi-Family Zoning Districts</b>	2 per business @ max 40 sq ft	On-site, not above roof line, attached to building, wall or fence	No permit: 30 days or less; Permit required: more than 30 days; maintained in like new condition	Banners allowed in addition to wall signs, free- standing and monument signs
<b>Flags for attention to new subdivisions</b>	18 sq ft max; 24ft max hgt;	On-site; max 50 flags on or behind property line.	3 years from date permit issuance; maintained in like new condition	Permit required; flags and pennants shall not be used concurrently; government flag exceeding 30' hgt subject to Dept approval
<b>Flags for Multi-Family and Commercial</b>	6ft min clearance	On-site; 1 per 20' street frontage, max: 20 flags on or behind property line.	_____	
<b>Pennants for Multi-Family &amp; Commercial</b>	4 linear ft per 1 ft lot frontage to max of 1000ft	On-site;	Max 30 days annually; maintained in like new condition	Permit required; flags and pennants shall not be used concurrently;

## F. Permanent Signs

Permanent signs permitted by Zoning District shall comply with provisions in the following tables.

<b>REGULATIONS FOR PERMITTED PERMANENT SIGNS</b>				
<b>Type/Purpose Description or Use</b>	<b>Max Area &amp; Height</b>	<b># of Free standing Or Wall-mounted</b>	<b>Illumination</b>	<b>Comment/additional regulation</b>
<b>RESIDENTIAL DISTRICTS</b>				
<b>Nameplate</b> name, title address, occupation,	A: 4 sq ft H: 8 ft	1 per dwelling	1 bulb @ 150W max	On-site signs only
<b>Identification:</b> community buildings, educational, religious, medical/health, charitable institutions, public utilities, airports, cemeteries, recreational use areas	A: 32 sq ft H:___ Single or double-faced	1 per use; 2 permitted for parcels fronting on more than 1 public street	—	On-site signs only
<b>Building Directory</b>	A: 8 sq ft H:___	1 per 5000 sq ft of building area	—	On-site signs only
<b>Entrance Identification:</b> to subdivisions, multi-family dwelling complexes, mobile home/manufactured home or RV parks, and ranches	A: 32 sq ft; up to 100 sq ft per sign with Final Plat H:20 ft	2 permitted per entry @ 1 each side of entry street for sole, exclusive purpose of identifying entrance; may also be monument type	—	5 ft min setback from property line; no part in or over public right-of-way; signs shall not interfere with or confuse traffic
<b>Optional Subdivision Comprehensive Sign Plan</b>	Total square footage in  Comp Sign Plan shall not exceed total cumulative square footage permitted in this Section	Required application & report inclusive: fully dimensioned layout of subdivision depicting all permanent & temporary signs locations and the surrounding uses; purpose of the signage & why the comprehensive sign plan option was chosen; length of use by sign type; renderings and elevations of each existing and proposed sign demonstrating the project theme, colors, materials, and sign dimensions; square footage comparison of signage allowed by existing regulations and that proposed by the Comprehensive Sign Plan; Comprehensive Sign Plan to be filed with process of Part 6 Administration and Procedures		
<b>REGULATIONS FOR PERMITTED PERMANENT SIGNS</b>				
<b>Type/Purpose Description or Use</b>	<b>Max Area &amp; Height</b>	<b># Freestanding Or Wall-mounted</b>	<b>Illumination</b>	<b>Comment/additional regulation</b>

<b>ALL ZONING DISTRICTS</b>				
<b>Special Purpose Permanent Signs</b>				
<b>Directional</b> – on-premise; no advertising copy permitted	A: 4 sq ft H: 8 ft Single or double-faced	Max: 2 per entrance/exit to or from parking area	—	Permitted in addition to aggregate area limits per Zoning District
<b>Directional</b> – off-premise for business located away from arterial highway	A: 8 sq ft H: 8 ft Single or double-faced	Max 3 signs per business; locate at hwy or intersection of access road; limited to 1 standard within 60ft of each intersection corner	Non-illuminated	Only generic arrows or words giving direction & business i.d. symbol or logo; permit required
<b>On-premise Menu Board</b>	A: 32sq ft/face H: —	2 per site @ 1 double-faced or 2 single-faced	—	
<b>Directional/Informational</b> – off-premise for public service or safety facilities eg hospitals, clinics, fire/police	III	—	—	Permit required
<b>Off-Premises Sign</b> - copy shall be limited to identifying the business or facility benefiting and directions to locate that business or facility and must be located on commercial property.	A: 64 sq ft/face H: 15 ft - free-standing sign; H: 5ft – monument sign	Property owner's written permission required; shall be setback min of 5 ft from property line; no part in or overhanging public right-of-way;	—	Permitted by Use Permit -max: 5 years; total allowable signage for any one property shall not be exceeded by the installation of the off-premise sign. If applicable, must follow any state regulations that apply.

### G. Permanent Commercial and Industrial Signs

Additional to the specifications in the table of Regulations for Permitted Permanent Signs, all business/commercial/industrial signs within the Commercial and Industrial Zoning Districts shall comply with following:

1. Any free-standing or projecting sign within twenty feet of a street right-of-way shall be so constructed as to allow clear and ample visual lines for driveways and alleys to adjoining traffic lanes.
2. Any lighted sign must abide by the regulations of Section 405 Outdoor Lighting; and all illuminated signs shall be turned off by 10:00pm or when the business closes, whichever is later; and internally illuminated

advertising signs shall not have translucent backgrounds of white, cream, off-white, yellow, or other light color.

3. The sign shall be located on the property to which it pertains.
4. Signs shall not be located within, on, or projecting over any public right-of-way. Exception: see Section 404.B.4.
5. Signs which are not permitted in a residential zone shall not be placed closer than 20 feet to any residentially zoned lot.
6. On a corner lot in any zoning district, no sign or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area bounded on two sides by front lot lines, and on the third side by a straight line connecting points on said lot lines (or their projections) each of which points is thirty feet from the point of intersection of said lot lines.
7. All signs and sign structures shall be designed and constructed in accordance with the requirements of the current adopted Building Code(s).
8. It is unlawful for any person to erect or place any sign not permitted or allowed by this section, or for any person to maintain, keep, or allow to remain, on property owned or occupied by him, any sign not permitted or allowed by this Section, except those which are deemed non-conforming signs per this ordinance.

<b>REGULATIONS FOR PERMITTED PERMANENT SIGNS IN COMMERCIAL &amp; INDUSTRIAL ZONES</b>				
<b>Type/Purpose Description or Use</b>	<b>Max Area &amp; Height</b>	<b># Free standing Or Monument</b>	<b>Illumination</b>	<b>Comment/Additional Regulation</b>
<b>Business Sign:</b> Identifying on-site business, products, services	A: 64 sq ft H: 20 ft	1 per business	Shall comply with Sec 405 Outdoor Lighting	All signs shall be setback minimum of 5 ft from property line; and not create an obstruction to vision or interference with traffic
- In Shopping Center	A: +16 sq ft/ business to total max: 200 sq ft	Max: 2 per shopping center if 2 entrances 500 ft apart		
- Building Pad Signs	A: 64 sq ft H: 20 ft	1 per Pad additional		
<b>Menu Boards</b>	A: 32sq ft/ face H: __	2 faces per site @ 1 double-faced or 2 single-faced	Shall comply with Sec 405 Outdoor Lighting	
<b>Freeway Interchange Signs-</b> for Restaurant, Fuel Sales or Lodging uses only	A: 300 sq ft max of 2 faces H: 20 ft to 50 ft max	1 per property AND business regardless of # of businesses; Min lot size: 0.65 acre	Shall comply with Sec 405 Outdoor Lighting	Shall be installed on-site and within a circle with a 2000 ft radius measured from the center point of the bisecting road/highway with the I-17 Freeway except when the north and south bound lanes of I-17 are separated by a distance of 800 ft or greater, measured

			from edge of pavement to edge of pavement, the sign area shall be measured from the center point of each overpass
<b>Wall Signs</b>	A: 1 ½ sq ft per 1 linear ft building frontage per business OR: 1 sq ft per 1 linear ft property frontage; 32 sq ft min to 200 sq ft max per business	Shall comply with Sec 405 Outdoor Lighting	Permitted in addition to free-standing or monument signs; shall not extend above roofline unless attached to, or is, a parapet wall; max sign area allowed is not transferable between buildings or occupancies
<b>Main Street Projecting Signs</b>	A: 12 sq ft; Projecting 6 ft max H: 10 ft ground clearance Max: 1 sign per business	No internally illuminated signs	Permitted only for, and may project over public right-of-way, any business fronting Main St from Arnold St to General Crook Trail; Projecting signs and A-Frame signs are subject to Indemnity Agreement to release The Town from liability arising from sign placement; and placement. A-Frame signs must be as close to business as reasonable for businesses located off of Main St. between Arnold St. and General Crook Trail and must be no further than 500' from the business the sign advertises.
<b>A-Frame Signs</b>	Max: 2 ft wide X 3 ft high Max: 1 sign per business; Permitted during regular business hours		
<b>Canopy/Marquee -Attached Sign</b>	A: 1 sq ft/ 1 linear ft of canopy		Canopy/marquee sign area is calculated as part of allowable total Wall Sign area; max sign area allowed is not transferable between buildings or occupancies; shall not overhang public right-of-way
<b>-Under-Canopy Sign</b>	A: 8 sq ft H: 8ft ground clearance		
<b>Optional Comprehensive Sign Plan</b>	Total sign square footage shall not exceed the cumulative total square footage otherwise allowed; sq footage of any one sign type shall not exceed sq footage permitted for same by more than 50%	Required application & report inclusive: fully dimensioned site plan depicting all proposed & existing signs & bldg locations and sq footages; and surrounding uses; lot size with lineal frontages of bldgs & property; purpose of the signage and why the comprehensive sign plan option was chosen; length of use by sign type; renderings, elevations & materials of each existing & proposed sign; to be filed in compliance with process of Part 6 Administration & Procedures	

## H. Sign Permit, Application and Fee

1. "New signs exceeding 12 square feet in area or exceeding eight feet in height shall require a permit, as well as those specified smaller signs, i.e. A-framed sign. Temporary Subdivision Directional and

Sale/lease signs and Permanent Directional Off-Premises signs that also require permits, see Subsections D, F, and G.”

2. It is unlawful for any person to erect, add to, alter, repaint so that the copy is changed, or to change the panels on any sign, or for any person to allow any sign on property owned or occupied by him to be erected, added to, altered or repainted so that the copy is changed, prior to obtaining a sign permit, and an electrical permit if necessary, for on-site or off-premises signs from the Community Development Director except as exempted in Section B.2.
3. The Community Development Director shall require the submittal of plans or other pertinent information necessary to insure compliance with this Section and other applicable codes and requirements.
4. Sign permit applications shall be made at the Community Development Department on the appropriate form(s) and shall contain at minimum, the following information:
  - a. Assessor’s parcel number identifying the property.
  - b. Street address or legal description of the property and dimensions thereof.
  - c. Description of the original copy to be placed on signs(s), including color photo or graphic of sign.
  - d. Type of sign(s) including methods of support, (free-standing or otherwise) and illumination.
  - e. Estimated true value of the sign(s) and associated structural supports.
  - f. Dimensions of the sign and number of panel(s) as well as bottom and top heights above grade.
  - g. A (signed) plot plan showing the following:
    - (1) Shape and dimensions of lot boundaries.
    - (2) Location of rights-of-way easements on the parcel.
    - (3) Driveways and parking areas, if any.
    - (4) Location, dimensions, and heights of existing and proposed signs, and if free-standing or wall-mounted.
    - (5) North designation.
  - h. A sketch or elevation view (with dimensions and approximate original copy) of the sign face(s).
  - i. Such other information as the Community Development Department shall require for the purpose of determining whether the application complies with the requirements of this Section and of the current adopted Building Code(s).
  - j. Name, address, phone number of property owner/applicant.
  - k. Signature of applicant or property owner.
  - l. Provide qualified Contractor information.

5. Applications for exterior wall murals shall include a sketch with colors and description of the intended picture or drawing which depicts the content of the mural.
  - a. The application and sketch are to be reviewed by the Community Development Director for their overall compatibility with the purpose of this Sign Section and the goal of the community to promote a rural, historical, western-oriented atmosphere.
  - b. If an applicant or affected property owner is not satisfied with the decision of the Director, an appeal of the decision may be filed for review by the Board of Adjustment and Appeals.
6. The Town Council by resolution shall adopt and/or amend fees to implement the provisions of this section; the sign permit fee shall be double in the event that the erection, relocation, or installation of any sign occurs prior to the issuance of a sign permit.