



# City of Grand Island

Tuesday, June 07, 2011

Study Session

## Item X2

**Discussion Concerning Political Signs**

Staff Contact: Craig Lewis

# Council Agenda Memo

**From:** Craig Lewis - Building Department Director  
**Meeting:** June 7, 2011  
**Subject:** Political Signs  
**Item #'s:** 2  
**Presenter(s):** Craig Lewis

## Background

The Grand Island City Code Section 31-33 specifically addresses political signs and provides regulations for the size, location, and limits the amount of time they may be displayed.

These regulations have in the past been questioned as to their constitutionality.

## Discussion

The sign regulations addressing political campaign signs have been in existence and enforced for a number of years within the jurisdictional area. Last year the duration of time specified was brought into question by the American Civil Liberties Union.

In researching the legitimacy of the sign code it would appear that nationally many communities have similar regulations which if challenged would not meet the test of being constitutional;

- 1). Is the ordinance content-neutral?

- 2). Is the ordinance narrowly tailored to serve a significant governmental interest?

- 3). Given the restrictions in the ordinance, are there ample, alternative channels of communication of the information?

I would suggest that we amend the City Code to combine Section 31-31 Free Standing Ground signs and Section 31-33 Political Ground Signs, into one section that regulates all "Yard Signs" as to location and size. We will need to define the term yard sign to address small sign stuck in the ground for temporary use.

## **Conclusion**

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

It is the intent of City Administration to bring this issue to a future council meeting for the consideration of amending the City code.

## City Code/Political Campaign Signs


### §31-33. Political Ground Signs

- (1) Political ground signs shall include all ground signs used for advertising by or on behalf of any candidate for political office or advocating a position with respect to any political issue.
- (2) Political ground signs shall be free standing, and shall not be in excess of fifteen (15) square feet in size.
- (3) Political ground signs may be erected no earlier than four weeks before an election date, and must be removed no later than five days after the election date.
- (4) Political ground signs shall not be allowed on any public property or right-of-way.

## City Code/Political Campaign Signs

- (5) Political ground signs at street intersections shall not be placed within the triangle formed by the adjacent property lines of the two intersecting streets and the line joining points thirty (30) feet distant along property lines from their point of intersection.
- (6) It shall be unlawful to erect political ground signs at any time in violation of the Grand Island City Code.
- (7) The Chief Building Official, or his/her designee, shall be authorized to seize and remove all signs in violation of this section, and dispose of the same without notice.
- (8) The city clerk shall provide copies of this section of the Grand Island City Code to the Hall County Election Commissioner for distribution to all candidates for political office and persons using political ground signs within the corporate limits of the City of Grand Island, or other interested persons.

# International Municipal Lawyers Association (IMLA)

 In constitutional law language, appropriate sign ordinances are “time, place, and manner” restrictions on speech, as opposed to restrictions on content. Even a content-neutral ordinance, such as one that simply bans all signs, can become content-based, in effect, if it is selectively enforced. In any case, the three-part test courts use in reviewing the constitutionality of sign ordinances is as follows:

- 1) Is the ordinance content-neutral?
- 2) Is the ordinance narrowly tailored to serve a significant Governmental interest?
- 3) Given the restrictions in the ordinance, are there ample, alternative channels or communication of the information?

## Typical example of Political Signs



# PROPOSED EXAMPLE

## Chapter 31 Signs

### 31-1 Definitions

**Free Standing and Yard Signs.** Any sign that shall have as its supports, wood, or steel columns, pipe, angle iron framing, or any other combination of material attached to or standing on the ground and temporary in nature.

### 31-31 Free Standing and Yard Signs.

It shall be unlawful for any person to place or permit to be placed upon premises any free standing or yard sign in excess of 15 square feet, provided however this section shall not prohibit the placement of mobile signs as defined by section 31-32.

(1). Signs shall be free standing or temporary attached to the ground and shall not be in excess of fifteen square feet in size.

(2). Signs shall not be allowed on public property or the right-of-way.



## EXAMPLE CONT.

(3). Signs at street intersections shall not be placed within the triangle formed by the adjacent property lines of the two intersecting streets and the line joining points thirty (30) feet distant along property lines from their point of intersection.

(4). It shall be unlawful to erect signs at any time in violation of the City Code.

(5). The Chief Building Official, or his/her designee, shall be authorized to seize and remove all sign in violation of this section, and dispose of the same without notice.

(6). The City clerk shall provide copies of this section to the Hall County Election Commissioner for distribution to all candidates for political office.

## Conclusion

I would suggest that the city amend the City code by combining sections 31-31 Free Standing ground sign and section 31-33 Political ground signs, into one section that regulates all “Yard Signs” as to size and location.