

BEST PRACTICES IN REGULATING TEMPORARY SIGNS

By **Wendy E. Moeller, AICP**

(Updated with *Reed v. Town of Gilbert* Supreme Court Case)

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Published by:





























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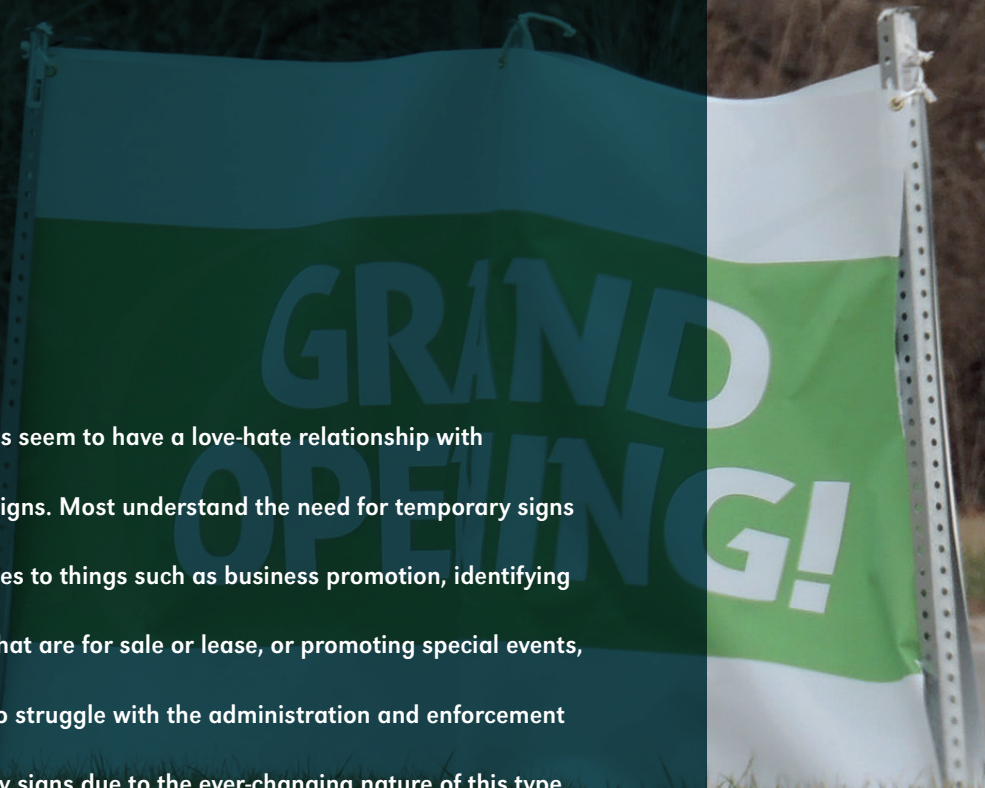
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INTRODUCTION

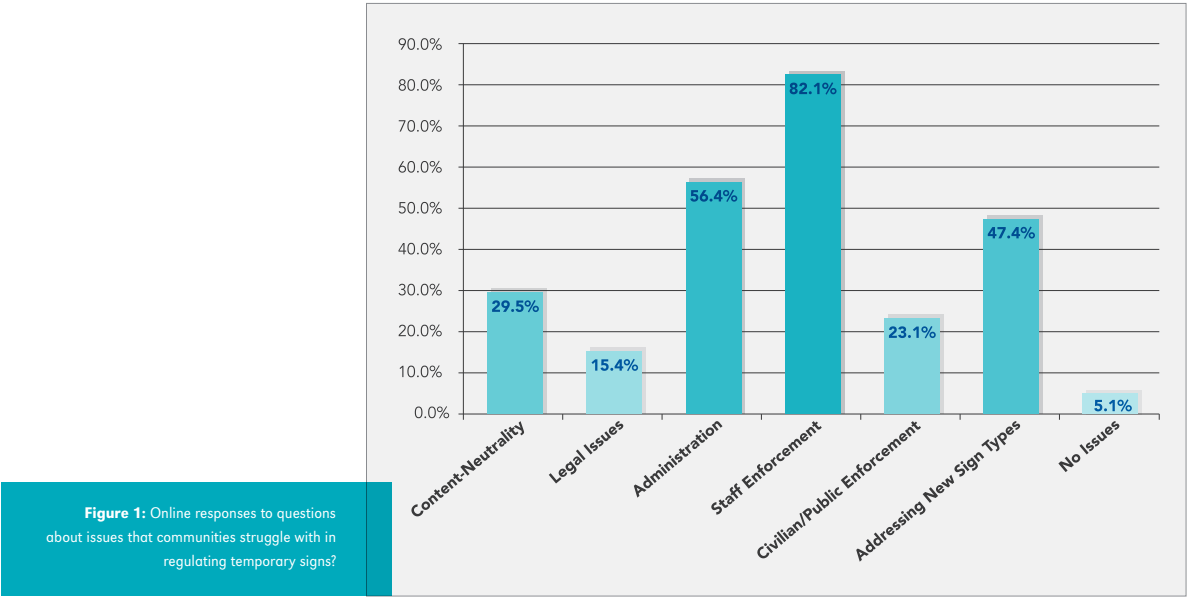
A large, white sign with green and blue sections and the words 'GRAND OPENING!' in large, bold letters is visible in the background, partially obscured by the text overlay. The sign is mounted on a metal frame and is situated in a grassy area with trees in the background.

Communities seem to have a love-hate relationship with temporary signs. Most understand the need for temporary signs when it comes to things such as business promotion, identifying properties that are for sale or lease, or promoting special events, but they also struggle with the administration and enforcement of temporary signs due to the ever-changing nature of this type of sign. The purpose of this guide is to provide communities with some best practices to use when evaluating and writing temporary-sign regulations that are easier to administer and enforce, while also allowing for the reasonable use of such signage for residents and businesses alike. This guide also includes updated commentary and recommendations related to the June 2015 ruling by the Supreme Court of the United States in the *Reed vs. Town of Gilbert*, Arizona case.

DEVELOPMENT OF THIS GUIDE

This guide was developed with the help of numerous communities and organizations. An initial step in determining this guide’s direction involved creating an online survey that sought information on how communities regulate temporary signs, and what issues they face in administering temporary sign regulations. Over the course of a month, representatives from more than 99 communities in 31 states responded to the survey. This information, along with a review of many of the responding communities’ ordinances, provided a general understanding of common approaches to regulating temporary signs, as well as new approaches to administration and enforcement. The survey also identified where staff members struggled with temporary signs. For example, each participant was asked to identify the issues they struggle with the most regarding temporary signs (each could choose up to three issues). The 78 respondents to the question reported various issues, all of which are discussed in this guide. The biggest problems identified administration and enforcement of the regulations, as well as addressing new sign types. Only four respondents (5.1%) reported no issues and even then, one of the four still chose addressing new sign types as an issue. See [Figure 1](#).

Besides the survey, research for this guide included a review of newspaper articles and public meeting minutes where temporary sign regulations were discussed. This effort sought to identify temporary-sign issues as seen by local businesses and people affected by the regulations. These articles contributed to many of the best practices outlined in this document because often, a controversy with sign regulations triggered a larger discussion among community and business leaders to develop a solution.



WHY TEMPORARY SIGNS?

A discussion of how to regulate temporary signs must begin with an understanding of how and why temporary signs are necessary for businesses, residents, and local institutions. Generally speaking, signs are necessary to provide effective wayfinding in our communities. This is evident, because signage is everywhere, but conflict arises when discussing excessive signage or preventing signs that detract from community character. Typically, one “bad” sign can influence overall opinions about signage in general. It is not uncommon that the negative reaction to temporary signs is actually aimed at illegal signs (Figure 2) that are not used by local businesses and/or capitalize on a lack of enforcement. It is often discussions about illegal signs that lead to decisions that prohibit or severely restrict signs. This can, in turn, significantly impact local businesses, and even residents who may want to advertise a garage sale or local events, yet do not want to have to go through the red-tape of permitting.

A vast majority of survey respondents said communities regulated temporary signs for safety and aesthetics, but nearly 50% also stated they regulate temporary signs for business promotion. See Figure 3. In reviewing the ordinances, no clear distinction separated communities that regulate temporary signs for business promotion versus those that do not. The communities that said they regulated for business promotion did not clearly allow more temporary signage and, in some cases, they even had temporary sign regulations more restrictive than the majority of other ordinances. The only connection appears to be that the support of businesses and economic development was a stated purpose to the overall sign regulations. Regardless, there is a clear relationship between temporary sign regulations and the ability of businesses to advertise. There is increasing evidence that demonstrates the value of signage to both businesses and communities, and that this value also applies to the use of temporary signs.



Figure 2: It is often illegal signs, such as the ones above, that cause a negative reaction toward temporary signage, resulting in the creation of excessive regulations.

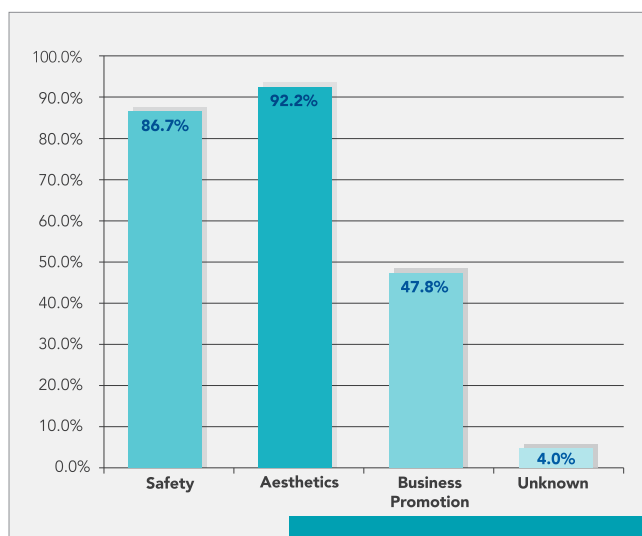


Figure 3: Online response to a question about why communities regulate temporary signs. Communities could check multiple reasons.

In the BrandSpark/Better Homes and Gardens American Shopper Study™, more than 100,000 consumers were surveyed about their household shopping activities, and more than 60.8% reported they have driven by and failed to find a business because the signage was too small or unclear. It also is evident that signage is more vital to a small business than to chains who might have a brand identity and large advertising budgets. In the temporary-sign articles discovered during the research for this guide, small businesses repeatedly noted how existing requirements or proposed restrictions impacted their business. For example, the Town of Newington, Connecticut, recently proposed a ban on temporary signs in all business districts, except in the downtown area, and small-business owners expressed concern. One small-business owner said “Any way I can draw attention to myself is absolutely necessary” and that “I do advertise, but as a small business, you have a small budget.” In the 2013 case of *Fears vs. City of Sacramento*, the owners of a local gym challenged a sign regulation that prohibited them from posting a temporary sandwich board sign outside the building to advertise the gym. Although the lawsuit primarily focused on the lack of content-neutrality, the business noted in the court documents that they attracted 5-6 more walk-ins daily when the sign was posted outside. While reasonable sign regulations are important, an amicable balance will allow reasonable advertising and efficient wayfinding that, in turn, will contribute positively to the community character and economy.

USING THIS GUIDE

This guide is not designed or intended to be a model temporary sign code that you can simply cut and paste, as a single element, into a complete sign ordinance. For an effective and defensible set of sign regulations, a community needs to consider numerous variables, including the needs of local businesses, neighborhood character, and legal requirements. These variables cannot be accommodated from a one-size-fits-all model code. Instead, this guide suggests best practices, or things to consider, when updating your sign regulations to address temporary signs. These best practices are divided into two major sections: considerations when evaluating the overall temporary sign regulations, and best practices that apply to individual sign types. This approach allows better evaluation of the optimal regulation of temporary signs based on a community's individual needs.

Just as communities can vary greatly in their goals and character, so can sign regulations. This guide recognizes that, while in the past, sign-related case law has varied state-by-state and court-by-court, the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, Arizona now applies a more uniform standard of absolute content-neutrality to all temporary signs. Although this guide briefly discusses temporary-sign law, and includes a list of resources to help create a legally defensible set of sign regulations, it does not provide any legal opinions. **Always seek local, legal advice pertaining to local, state, and federal laws while updating your sign regulations.**

¹ Kellaris, James J. (2011), “100,000 Shoppers Can’t Be Wrong: Signage Communication Evidence from the BrandSpark International Grocery Shopper Survey.” The Science of Signage: Proceedings of the National Signage Research & Education Conference, Sign Research Foundation, Cincinnati, October 12-13, 2011.

² Hoffman, Christopher, “Business Group Rallies Against Proposed Ban on Temporary Signs in Newington,” Hartford Courant, July 31, 2014.

BEST PRACTICES FOR THE OVERALL REGULATION OF TEMPORARY SIGNS

This project's research identified some essential best practices for developing comprehensive temporary sign regulations, as well as for the regulation of individual sign types. These best practices emerged from the survey, as well as discussions with both planners and sign-industry representatives. This section of the guide addresses overall best practices, administration and enforcement, and addressing new sign types as part of the overall regulation of temporary signs.



GENERAL PRACTICES

1

Make a clear distinction between a temporary sign and a temporary message.

There is a significant gray area when it comes to making a distinction between a temporary sign and a temporary message. A temporary sign is a portable structure that is intended to be used for a brief period of time. A temporary message does not have a structure in and of itself. It is a message that may be changed manually or digitally as part of a permanent sign structure. For example, electronic message centers are permanent signs that display temporary messages at set intervals. Similarly, communities often allow for signage on permanent structures such as light poles (See [Figure 4.](#)) or fuel pumps, where there is a permanent support structure for a temporary message. Conversely, in an equal number of examples, as shown in [Figure 5](#), a sign owner may attach a temporary sign to a permanent structure. In these cases, the temporary sign is an independent structure temporarily attached to a permanent structure that was not intended to accommodate the sign and, quite often, communities prohibit this additional signage. Such signage should be regulated as a temporary sign, whereas temporary messages on permanent structures should be regulated as a permanent sign with allowances for temporary message changes.



Figure 4: An example of a temporary message attached to a permanent structure that should be regulated as permanent signage with allowances for temporary messages.



Figure 5: An example of a temporary sign that is attached to a permanent structure and should be regulated as a temporary freestanding sign.

Evaluate the regulation of temporary signs as part of an overall review of your sign regulations.

Both permanent and temporary signs are important and have a place in each community, but it is nearly impossible to address them as separate and distinct issues. Communities should always evaluate signage in a comprehensive manner. As part of such comprehensive review, the community can first develop a strong purpose statement and set of objectives. This type of evaluation will also allow the community to identify potential conflicts between the standards and the stated purpose of the regulations. For example, if a community goal is to limit temporary signage, but promoting local businesses is an essential purpose of the regulations, then expanding the permanent sign allowances could be the compromise (e.g., increased permanent signage area or allowance for digital message centers). It is also important to try to eliminate any unintended conflicts between temporary and permanent sign regulations. For example, communities that focus on limiting the size and height of permanent signs due to aesthetics may unintentionally end up allowing much larger temporary signs. For example, [Figure 6](#) illustrates a conflict where a temporary sign has better visibility and legibility than an adjacent permanent sign. Would a larger permanent sign create any more negative impact on aesthetics than the temporary sign? In fact, the larger real-estate sign's better visibility and legibility would likely enhance traffic safety, an important purpose for regulating signage.

When updating your regulations, test how the provisions for permanent and temporary signs would apply to existing development sites as a way of identifying potential conflicts.

Although the *Reed* case was related to a temporary sign, the ruling itself has implications for both temporary and permanent signs. As noted earlier, there were differing opinions on the definition of “content-neutrality” prior to the ruling in the *Reed* case. Thus, the vast majority of regulations reviewed as part of the survey for this report had some level of regulations that were based on content. The most common examples were specific standards or exemptions for real-estate or election signs. In the wake of the *Reed* case, it is important that communities evaluate their sign regulations in a comprehensive manner, for the reasons identified in this section, but also to address any content-based regulations.



Figure 6: Apparent conflicts in regulating temporary and permanent signage can undermine the purpose statement for your sign regulations.

3

Engage all stakeholders in updating your sign regulations.

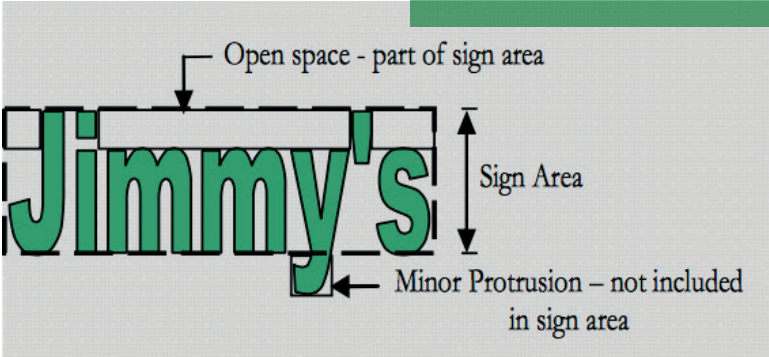
Too often, a community updates its sign regulations without querying business owners. Using a planning commission or an appointed committee has the tendency to result in heavy influence from residents who may not fully understand the need and/or benefit of temporary signs. Signage impacts both residential and business areas, but the biggest sign controversies stem from situations where businesses believe the local government is being too heavy handed. Prevent this situation by engaging a cross-section of stakeholders, including residents, local business owners and tenants, county board of elections, and members from the chamber of commerce and local sign industry when updating your temporary sign regulations. Such a group can establish the overall goals and priorities for sign regulations and find common ground. Local businesses can explain how proposed regulations can benefit or hurt the local economy through the regulation of both temporary and permanent signs. Local business representation will also help create stronger support for regulations that are easier to enforce and administer.

4

Be practical in sign area calculations.

The method of calculating the total sign area greatly impacts temporary signs and legibility. Tight restrictions can unintentionally prevent unique or creative signage. Measuring freestanding signs is fairly straightforward, due to their defined shape, but regulating window signs, without a defined background, can be more challenging. Some communities are beginning to distinguish between signs with a distinct background and those without. In the latter situation, the measurement should not include open or blank space. Multiple examples of this approach are referenced in the model sign codes listed in the “Additional Reading” section of this guide.

Figure 7: Sign-area calculation from *A Framework for On-Premise Sign Regulations* that illustrates an example of a practical sign-area calculation that allow for more design flexibility and enhanced legibility. A link is available in the *Additional Reading* section.





5 Avoid sign allowances shared between temporary and permanent signs.

Some communities have attempted to simplify allowable sign area by ignoring the differences in temporary and permanent signage and simply allowing “X” amount of signage. However, this can actually create an administrative nightmare because recalculations will be required every time the owner wants to make a change to the temporary or permanent signage. Second, if the total amount of sign area allowed is very restrictive, the permanent signs may be too small in terms of legibility, and any temporary sign may become quasi-permanent to compensate for insufficient advertising options. Such issues are only compounded for multi-tenant buildings. The “total overall sign area” approach may make it necessary to exceed best-practice parameters elsewhere. An alternative is to clearly distinguish the total area allowed for permanent signs separately from the total area allowed for temporary signs.

One approach communities are taking to ensure content-neutrality after the *Reed* decision is to establish a maximum amount of temporary, commercial speech sign area that is allowed year round, in individual zoning districts. This year-round signage is typically restricted to limited types of temporary sign structures (e.g., freestanding/yard signs or banners) with further restrictions to the number, height, and location of the individual sign structure type. The amount and type of signage allowed will vary based on individual zoning districts and the scale, form, and context of development, but is designed to allow for the most common temporary signs found in a community including those types of signs we have traditionally called real-estate signs or business information signs (e.g., open or closed signs). In addition to the temporary signage that is allowed year-round, communities often allow for some additional temporary signage for a specified amount of time, and a specified number of occurrences per year (e.g., up to 14 days, four times a year), based on the allowed sign type. Again, the community needs to specify the type of temporary sign structure allowed which, in these situations, may include an expanded list of allowable sign structures including those that are often less popular such as balloons, air graphics, human signs, or portable message centers. For all types of sign types allowed, the community should include any standards specific to that sign type, including, but not limited to, setbacks, maximum heights, maximum numbers, and separation distances.

6 Consider allowing temporary signage as an interim-sign option.

Some communities establish special provisions for temporary signs that may be used by new businesses as an interim sign until permanent signage can be installed. For example, the regulations might allow for a temporary banner until a permanent wall sign can be installed. This often happens when there is potential for a change in occupancy (e.g., a multi-tenant building), and the old signage will not be removed until the new signage is ready. Additionally, the temporary-sign option can be used when the permanent sign is destroyed. In such cases, a time limit of 60 days should be sufficient, and the new permanent sign would immediately replace the temporary sign. A few communities even allow temporary signs for new businesses, for a period of up to six months, to allow testing of different signage options before designing the permanent sign. In such cases, the type of temporary sign should be specified with banners and yard signs being the most common examples of temporary signs allowed as an interim option.



Figure 8: This temporary banner is being used as an interim sign until a permanent wall sign can be installed. It is similar in size to the proposed permanent wall sign.

7

Avoid treating all temporary signs the same.

Sign ordinances can often be lengthy documents that lay out the rules for every conceivable type of sign type and/or situation. Typically, permanent signs are the focus of the regulations, with minimal thought given to temporary signs. Many communities subsequently want to simplify temporary-sign regulations by establishing a single time limit that applies to all temporary signs but then only allow for banner signs and freestanding/yard signs. Administratively, this seems wise, but temporary signs serve varied purposes and therefore demand different treatment, based on the type of sign. Communities need to allow all property owners some allowance for temporary signage year-round to accommodate activities such as the sale or lease of land that are often long-term. For year-round signage, it is not unreasonable to strictly limit the types of signs allowed to the most common types of banner or freestanding/yard signs. The problem is that a community needs to consider that there will always be special events or activities that warrant additional signage, but on a restricted time frame. For temporary signs that will only be allowed for limited time periods, consider allowing for an expanded list of sign types to give property owners more options.



Figure 9: Many communities are willing to provide for the possibility of using balloon signs as long as they are not used year-round. These may be a sign type that your community restricts to a certain number of days per year.



Figure 10: Freestanding/yard signs are often allowed year-round to provide for property owners the ability to accommodate routine activities not tied to specific dates, such as when used to advertise the sale or lease of land.

8

Consider the context of a sign's location.

As with permanent signs, the neighborhood and street context will typically drive the types of signs used or desired by businesses. In writing your regulations, consider the different characteristics of your community's residential and business activity areas to define the types and sizes of signs within zoning districts.

- Downtowns and high-density urban areas tend to have more foot traffic, so there is typically more demand for banners and sidewalk signs.
- Suburban or rural areas, or high-traffic streets and highways, typically require larger and taller signage for good visibility, so there tends to be more demand for yard signs, blade signs, and banners that are visible to drivers, rather than pedestrians.
- Many types of temporary signs are prohibited in historic districts, including banners or pennants, but sidewalk signs, window signs, and other types are traditionally allowed.

An increasing number of communities are also using form-based codes that focus on building form and the relationship between public and private areas, as compared to a focus on the use of land. These codes provide an opportunity to also write sign regulations specific to the form of development.



Figure 11: Signs in a downtown or urban setting tend to be smaller in area and height.

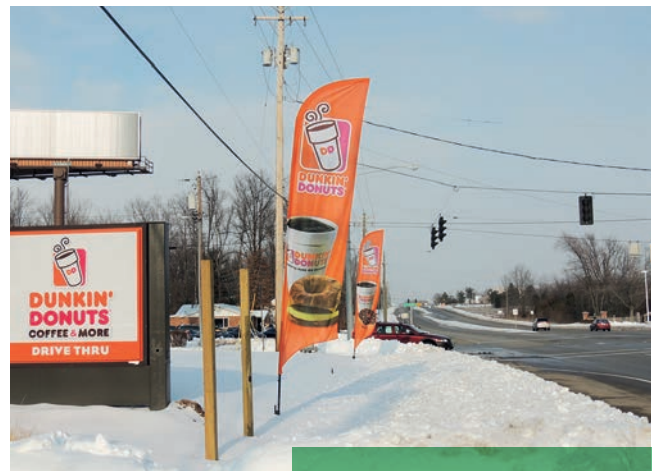


Figure 12: Signs along major highways or more rural settings need to be larger to allow for visibility, such as these blade signs along a four-lane, state highway.

Consider allowing off-premise temporary signs.

Many sign regulations prohibit all off-premise signs to prevent billboards, without any exceptions. Temporary signs often advertise off-premise special events or activities, such as local community festivals, recreational opportunities, and even business events, such as farmer's markets. Provided the temporary-sign regulations clearly establish sign area, height, duration, and even the number of signs, off-premise temporary signs should pose no threat. The only caveat is mandating the landowner's approval for off-premise signs. It is also appropriate to establish what types of temporary signs can be on-premise or off-premise.

While the decision in the *Reed* case helped clarify what was once differing opinions about the definition of content-neutrality in the lower courts, it has raised other questions as to whether sign regulations that distinguish between on-premise versus off-premise signs and commercial speech versus noncommercial speech are content-based. Since the ruling in the *Reed* case, several lower courts have heard cases on such questions, and thus far the majority of court decisions favor viewing these distinctions as content neutral based on Supreme Court rulings prior to *Reed*. In updating sign regulations, you should work with legal counsel to consider any potential risks in making these distinctions as well as any rulings within applicable state or federal courts.



Figure 13: A mixture of off-premise signs that include temporary signs (real estate and pretest signs) as well as permanent signs.

10

Avoid prohibiting all signs in rights-of-way.

In the survey, approximately 73% of the communities stated they do not allow signs in any right-of-way. The other 27% limit them to situations like sidewalk signs or where pre-empted by state law. Most communities want to limit signs in rights-of-way largely for safety and visibility reasons, and because public spaces are not traditionally an appropriate location for private commercial advertising. The problem is that some limited signage in the right-of-way can provide effective marketing and add to the atmosphere, such as along sidewalks in pedestrian-focused areas. While defining a sidewalk sign in a content-neutral manner is simple enough, the *Reed* decision has made it difficult to make exceptions, such as temporary signs in certain right-of-ways rather than others. If your community does want to allow for some limited signage on sidewalks, consider an approach of allowing a temporary sidewalk sign (e.g., A-frame or T-frame sign) on any public sidewalk that has a width sufficient to accommodate the sign and clear passage of pedestrians (e.g., four feet of clearance). Most communities only have sidewalks of this width in more compact areas, such as downtown, so a similar sign would not be allowed where there are narrow sidewalk widths. Be sure to involve the state and county transportation departments and/or engineers in discussions related to signs in the right-of-way. Their departments may be affected, and they may be able to assist in crafting tailored regulations to individual situations.



Figure 14: Most sidewalk signs are located in the right-of-way, so a complete prohibition may limit advertising in more pedestrian focused areas of your jurisdiction where there is sufficient space for the sign and clear passage for pedestrians.



11

Be cautious when limiting the number of temporary signs.

Placing a limit on the total number of temporary signs permitted on any one site can be tricky due to a number of variables. Some courts have found this as potentially limiting to our freedom of speech when regulating noncommercial speech. For commercial signs, the variables include the number of tenants on a property, the types of temporary signs allowed, and the amount and type of permanent signage allowed. If limits are desired, consider putting a cap on individual sign types, with allowances for a temporary, wall-hung banner for each tenant, and limits on the number of freestanding temporary signs on a single property at any one time. Most communities, however, exempt temporary signs on lots for sale or lease, or signs that contain noncommercial speech signs from these types of regulations.

12

Be specific about when illumination of temporary signs is allowed or prohibited.

Communities commonly prohibit the illumination of all temporary signs, but this may minimize the effectiveness of specific types of temporary signs that may otherwise be allowed. For example, many advertising murals, banner signs used for the interim covering of permanent signs, portable message centers, projected-image signs, and light or support pole banners are illuminated either internally or externally. It is important, when considering the types of temporary signs that your community is going to allow, to also determine if it is reasonable to allow some limited illumination, typically based on the type and size of the sign, as well as the length of time the sign will be allowed. In all cases, be clear when illumination is allowed or prohibited, and if allowed, identify any applicable lighting regulations. Additionally, it will be important to cross-reference any building or electrical-code requirements (e.g., requirements for burial of any conduit) that may be applicable.

15

Visibility issues that apply to permanent signs also apply to temporary signs.

An extensive amount of recent research has linked sign visibility and legibility with safety. Some studies have focused on electronic signs, while others have focused on design implications, such as sign location, color contrast, and sign orientation. The same design principles that affect the visibility and legibility of permanent signs also apply to temporary signs. The “Additional Reading” section references several recent studies and model codes that can provide additional guidance on visibility issues.

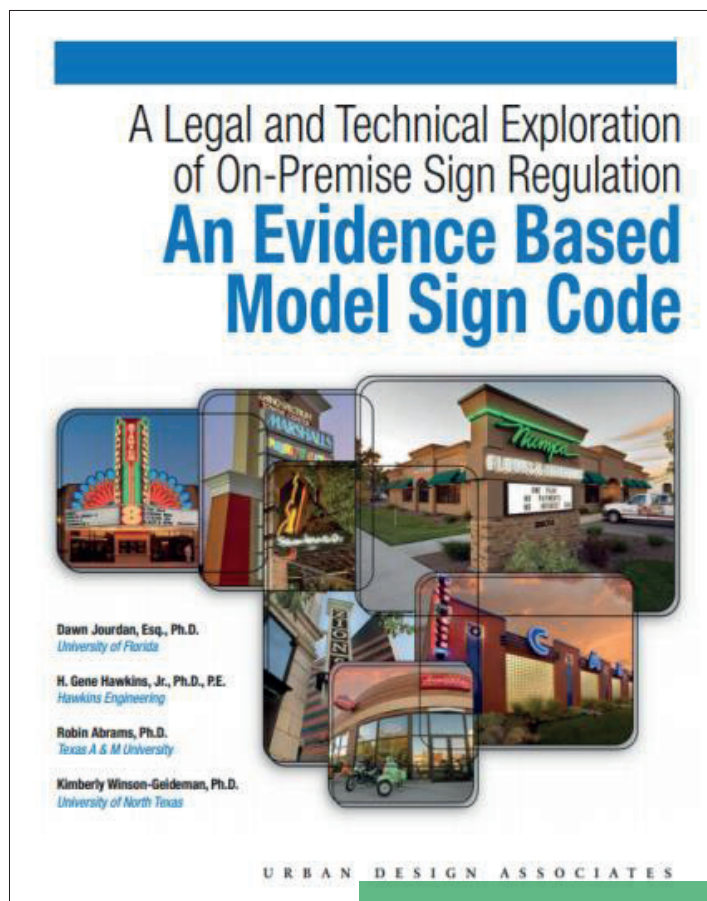


Figure 15: New studies and model codes focus on legal and safety issues related to signage. See links in the Additional Reading section.



ADMINISTRATION **AND** ENFORCEMENT

A majority of communities who responded to the online survey cited major issues with administration and enforcement of temporary-sign regulations. While the regulations establish the rules for temporary signs, many of the following best practices focus on departmental policies and actions outside of the regulations, so your jurisdiction could undertake them without necessarily amending any zoning or other ordinance text.

1 Use technology.

All of us have benefitted from technological advances. The same can be said about zoning administration and enforcement. There are a growing number of communities who are incorporating these types technology in their day-to-day zoning administration activities. The use of technology appears to vary greatly, based on available resources, but the following are a couple of options available to most communities:

- For smaller communities with minimal resources, basic software programs, such as digital-calendar applications or electronic files, can set reminders regarding deadlines for temporary signs. As permit applications come in, staff can establish a reminder that will automatically notify the appropriate enforcement officer of the expiration dates for the signs, especially those that require permit review.
- More communities are utilizing new, Permitting-software options to facilitate obtaining permits, as well as tracking expiration dates and compliance. For example, the City of North Liberty, Iowa, utilizes a web-based, self-permitting system. The system also allows the city to track sign permits and time limits so applicants cannot apply for excessive permits. [Figure 16](#) is a screen grab from the city's permitting website. Additionally, the city's enforcement officers have iPads with 4G internet access they can utilize while in the field to check compliance with the permitting application. Permit-software applications offer a range of pricing that makes this option available to most communities.

Temporary Sign Permit

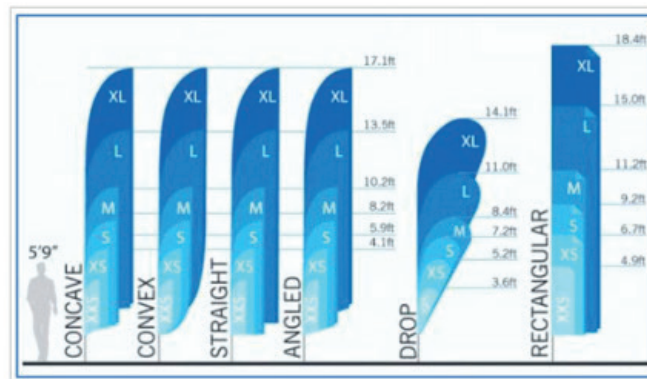
You are here: [Home](#) > Temporary Sign Permit

Type of signs permitted

Only the temporary advertising signs specified below are allowed. No other type of signage is allowed.

Permitting and enforcement

In order to expedite permitting for the signs, the City is implementing a web-based self-sign-up permit system for business owners at northlibertyiowa.org/signpermit. A PDF version of this page is [available for download](#). Owners may simply enter information there for the desired sign(s) to self-permit. It is also a resource to track sign usage, and City staff will review the list to make sure all signs in use are on the list. If a business does not have access to the self-sign-up, they may contact Dean Wheatley, Planning Director, at 626-5747 for assistance, or stop by City Hall. Citations will be issued to businesses placing signs that are not permitted.



Cost of permit

At this time there is no fee for the permit.

When signs can be placed

The signs are allowed to be displayed for up to 10 days up to 5 times per 12-month period. Owners can track their usage with the online permitting system.

Where signs can be placed

Signs may only be displayed on private property. Generally, that means behind the sidewalk. Signs placed between the sidewalk and the street will be removed by City staff.

Sign condition

Signs are to be kept in good condition and replaced when damaged or faded.

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Planning and

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- Planning and for January 1
- Planning and for November
- Planning and December 2
- Planning and October 1, 2014
- Planning and November 4, 2014
- Planning and 2014
- Planning and Tuesday, Oct

Figure 16: Image from the North Liberty, Iowa, permitting website.

2

Be clear when a permit is required.

Many communities require sign permits, but also have some limited exceptions for smaller signs or certain sign types. Be clear as to when a sign permit is required. Also be clear that signs that don't need permits are still subject to applicable regulations, such as signs displaying a noncommercial message. Communities should focus on requiring permits for larger signs and exempt smaller signs. Paired with a good enforcement program, exempting certain signs should not create extensive issues and will streamline administration.

3

Constant and consistent enforcement is necessary.

Many communities have extensive regulations, yet they lack the resources for enforcement, so it tends to be random or complaint based. Inconsistent enforcement can lead to a proliferation of illegal temporary signs, as well as a damaging perception. First, always consider what your community can actually enforce when writing the sign regulations. If you only have one enforcement officer, do not write complex regulations that cannot be enforced by a single person. Here, technology can often help. Second, several survey respondents noted they had more successful enforcement when they identified other staff/employees of the jurisdiction who, with proper training, could be an authorized enforcement officer for signage and possibly expand the timeframe (e.g., weekends) when enforcement actions could take place.



Figure 17: Authorizing more than the zoning staff to enforce sign regulations can help minimize illegal temporary signs from popping up over weekends.

4

Consider a sign label program.

Several communities are starting the practice of issuing a sticker, stamp, tag, decal, or some other type of label in lieu of a paper certificate. The label is applied to the sign and includes basic information, such as the applicant’s name, permitted sign location, and dates when the sign can be posted. Enforcement is as simple as checking a sign for compliance. Signs without a label, or an expired date, are immediately removed, or other appropriate enforcement actions are taken. The cost of the labels is typically covered by the jurisdiction because it helps simplify enforcement.



Figure 18: The above is an image of a temporary banner sign with a city-issued sticker posted in the corner.

5

Cooperation and education can go a long way.

Public involvement is a best practice when developing sign regulations, but public outreach should continue beyond drafting of regulations. Numerous survey respondents noted success in administering the sign regulations through educational efforts with local business groups and chambers of commerce. Planners proactively work with businesses to identify what types of signs are allowed, and the rules for the individual sign types, while also constantly listening to their feedback. Such efforts appear to reduce enforcement actions and violations. Consider working with your local county board of elections to educate potential candidates about any applicable sign laws at both the state and local level.

6

Maintenance regulations are important.

Temporary signs, logically, are often made with less-durable materials than those used for permanent signs. However, some temporary signs may have longevity due to lack of enforcement or by necessity, such as a sign advertising space for lease. While many owners are diligent about replacing or removing deteriorated signs, basic requirements for sign maintenance should be applied to both permanent and temporary signs.

ADDRESSING

NEW SIGN TYPES

Communities often struggle with new temporary-sign types and/or technologies. Many regulations prohibit all unspecified sign types. A better practice is to consider any new sign type or technology in terms of “similar use” language, with a longer-term solution of amending sign regulations to accommodate the new sign.

1

Treat the new sign as a similar use.

“Similar use” provisions in zoning codes provide enforcement officers with some authority to evaluate a new use based on whether it is similar in nature to another use allowed in the zoning code. If the proposed use is similar in scale, intensity, and other characteristics, the enforcement officer can typically permit the new use in accordance with the rules that apply to the similar use. This same concept can be used with temporary signs. For example, the sign in **Figure 19** is very similar to a banner, except it is temporarily attached to the wall with a special adhesive instead of the more traditional rope or hooks. It is considered a temporary sign because it can easily be removed when, in this example, all of the apartments are leased. A similar-use provision allows the flexibility to make this type of interpretation, and prevents the need for a text amendment in the short term. A longer-term solution is an amendment to the sign regulations to accommodate the new sign type.



Figure 19: A new type of temporary sign that is completely, yet temporarily, adhered to a brick wall.

2 Consider whether the new sign is a temporary sign or a temporary message.

As discussed earlier, the distinction between temporary signs and temporary messages should be a part of any discussion related to addressing new sign types. If it is a permanent structure with a changeable message, the best course of action is to regulate the sign as a permanent sign.

3 Collaboration offers the best approach to regulating new sign types.

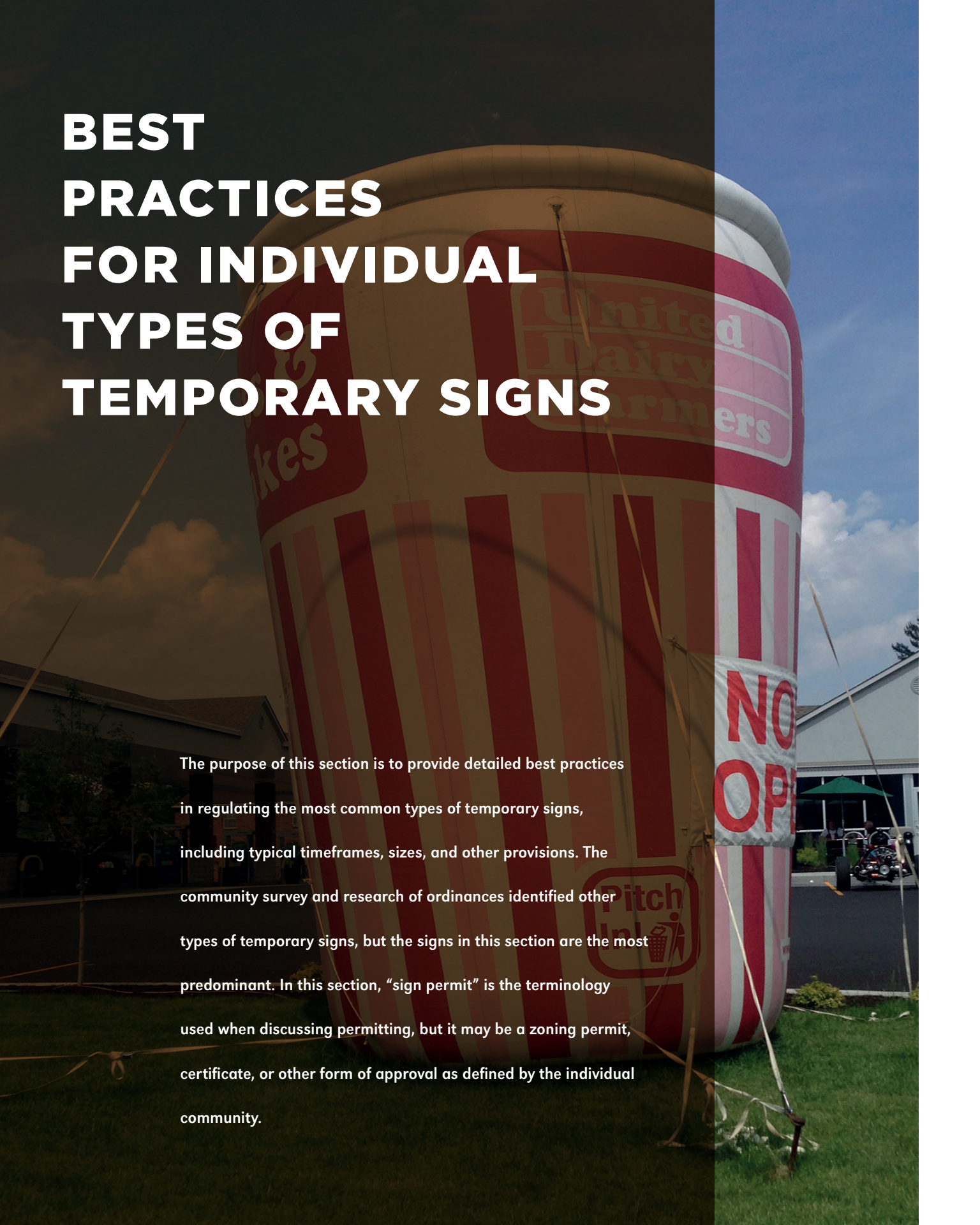
Engaging all stakeholders is also a best practice when considering the regulation of new sign types. When considering a text amendment to address new signs, engage the various stakeholders to discuss the purpose of the sign, and any reasonable regulations necessary to address concerns about the sign.



Figure 20: A new type of permanent sign structure where the message, printed on a banner like material, can be changed. Such sign structures should be regulated as a permanent sign.

BEST PRACTICES FOR INDIVIDUAL TYPES OF TEMPORARY SIGNS

The purpose of this section is to provide detailed best practices in regulating the most common types of temporary signs, including typical timeframes, sizes, and other provisions. The community survey and research of ordinances identified other types of temporary signs, but the signs in this section are the most predominant. In this section, “sign permit” is the terminology used when discussing permitting, but it may be a zoning permit, certificate, or other form of approval as defined by the individual community.



ADVERTISING MURALS

Advertising murals, building wraps, or super graphics are some of the largest forms of temporary signs. While some are permanent, such as murals painted on the sides of buildings, temporary versions of these signs are popping up nationwide. Most common in downtowns and high-density urban settings, these signs can be an alternative to a blank or unfinished wall.

- Require a sign permit for the installation of an advertising mural. Communities commonly require a board-level review of advertising murals if the sign is located in a historic or other special district.
- Consider allowing both on-premise and off-premise messages for ease of administration (e.g., to be an on-premise sign would the building in [Figure 21](#) or ease of administration (e.g., to be an on-premise sign would the building in [Figure 20](#) have to contain an Apple Store? What if a tenant sold iTunes cards?). Allowing off-premise messages also allows for advertisement of both business and community interests that still may include commercial speech.
- Consider limiting the location of the signs to unfinished facades or walls devoid of windows and doors.
- Prohibit the obstruction of architectural features, windows, doors, and other points of access.
- Prohibit advertising murals from being located on the building's primary façade.
- Some communities have restrictions that prohibit the location of such signs where they will face parks, historic sites, or other major points of attraction.
- Prohibit the use of changeable-copy, electronic message centers or video displays for temporary advertising murals. Some communities have allowed minimal external illumination, but the majority prohibits any illumination.
- Time limits should be avoided, but basic maintenance standards must include removal/replacement provisions if deterioration is evident with rips, failure of anchoring, fading or discoloration, etc. In light of the overall approach to regulating temporary signs outlined in this document (i.e., a certain amount of signage allowed all year), the size of these signs will likely exceed any sign allowance given for temporary signs. For this reason, if a community wants to allow for these types of signs, whether permanent or temporary, they might want to consider identifying them as a unique type of allowed sign, with applicable standards, outside of any temporary or permanent sign requirements.
- Require that installation and anchoring should be accomplished in a manner that will not pose a risk of harm to any architectural features.



Figure 21: Example of a temporary advertising mural attached to a blank building façade.

BALLOON SIGNS & AIR-ACTIVATED GRAPHICS

Balloon signs or air-activated graphics are often used in conjunction with special events or activities and come in all shapes, sizes, and forms.

- Balloon signs and air-activated graphics are commonly restricted to on-premise signs.
- A sign permit is typically required for balloon signs and air-activated graphics, with the exception of any holiday or similar decorations.
- Require a setback that is equal to or greater than the height of the sign from all rights-of-way, lot lines, and overhead utility lines.
- For safety purposes, any balloon or air-activated graphic should be fastened to the ground or a structure so that it cannot shift more than three feet horizontally under any condition.
- Require compliance with applicable building codes because the signs often have an electrical component.
- Clarify if only balloons with no inherent movement are permitted (Figure 22), or whether there can be movement, such as an air-dancer sign as seen in Figure 23.
- Many communities do not have height limitations on these signs, but where they exist, it is typically between 20 and 35 feet.
- Balloon signs or air-activated graphics are not typically allowed year round and are often restricted to a certain number of days and occurrences per calendar year. The most common timing is for up to 14 days per occurrence, with a limit of one occurrence per calendar year.



Figure 22: A balloon sign that is tethered to the ground.



Figure 23: An air-activated graphic that includes motion.

BANNER SIGNS

Banner signs are one of the most common types of temporary signs allowed by the vast majority of communities. These signs may be mounted on a structure or even staked in the ground in a similar manner as a freestanding sign.

General Regulations

- Banner signs may be an on-premise or off-premise sign.
- A sign permit is often required for banner signs but many communities do not require a permit for smaller banner signs.
- If the banner sign is attached to a building, it should not be displayed above the roof line. Try to avoid limiting banner signs to certain locations on a building façade (e.g., minimum height or setback from edges) because this potentially prohibits logical locations, such as hanging banners from balconies or fencing around enclosed areas.
- Be clear as to where banner signs may be placed (e.g., on a structure, in landscaping, in a buffer yard, etc.).
- Banner signs can easily be attached to buildings, fences, structures, or mounted on stakes in the ground to be freestanding. In the latter case, communities may regulate a banner sign as a permitted freestanding temporary sign as discussed in later sections of this guide.
- Allow individual tenants to use a banner sign, rather than limiting the number of banner signs per property, especially if the banner signs are mounted to a structure. Otherwise, this creates difficulties for multi-tenant buildings.



Figure 24: An example of a banner sign attached to a model home.



Figure 25: This banner is used as an interim sign and is designed to full cover the existing permanent sign.

Size

- If a banner sign is permitted as an interim-sign option, allow a banner that can be as large as the allowance for permanent wall signage, or the same size as existing signage, for the building or tenant space. This will allow the owner to cover permanent signage for a previous tenant and/or use signage of a similar size as the permanent sign that will replace the banner.
- Temporary banner signs are typically limited to a maximum area of 32 square feet. If ground mounted, a banner sign should not be mounted so as to be more than four to six feet tall.
- Some communities allow larger banners, equal to the total amount of permanent wall signage allowed for the same business, to keep the regulations simple. A height requirement is usually established for ground-mounted banners, but not for structure-mounted banners. This approach is most beneficial if your community has numerous large-scale developments with long setbacks.

Timing

- For an interim-sign option, allow a banner sign when a business is new, or there is a change in occupancy, and the permanent sign has not been installed. The banner sign should be allowed for at least 60 days or until the permanent signage is installed, whichever is less.
- Banner signs are often a type of temporary sign that might be allowed year-round. It is also a type that communities allow as additional signage but limited to a certain number of days and occurrences per calendar year. For the latter, banner signs are typically allowed for a maximum of 14 to 30 days per occurrence, up to four times per calendar year. With shorter time periods (e.g., 14 days), consider allowing at least two consecutive occurrences to accommodate longer-term needs.



Figure 26: An example of a temporary, ground-mounted banner.

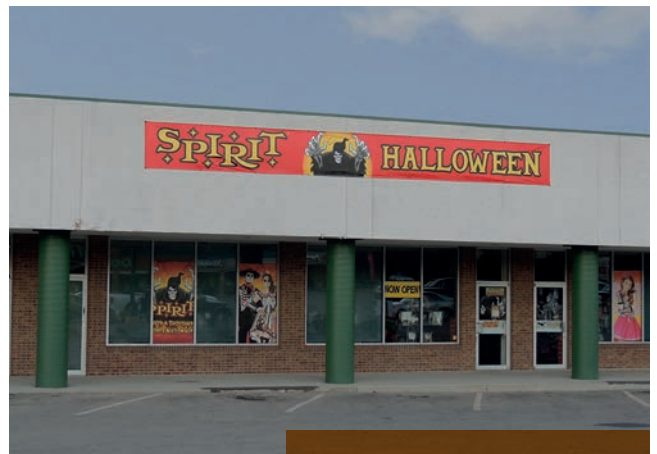


Figure 27: A banner sign is sometimes used in association with temporary uses that can exceed typical temporary-sign time limits.

BLADE SIGNS

Blade signs are a relatively new type of temporary sign. Available in numerous shapes, they are often named accordingly (e.g., feather sign, teardrop flag, rectangle flag, etc.).

General Provisions

- Blade signs are commonly restricted to on-premise signs.
- A sign permit is typically required for blade signs.
- Allow all shapes of blade signs, with a focus on the size standards discussed below.
- Most communities require these signs be set back from rights-of-way, lot lines, and overhead utilities, but there are a number of communities that allow these signs in tree lawns and rights-of-way. In all cases, the signs should be set back from intersections to protect clear visibility. A typical setback equals the height of the sign.
- The signs should be securely anchored into the ground or secured in a portable base designed for such function.
- Allow one sign per 50 feet of street frontage with a maximum of three or four signs per each frontage. This will allow for the reasonable use of such signs while preventing situations such as shown in **Figure 28**.



Figure 28: A typical, ground-mounted blade sign.



Figure 29: Negative reactions often occur when there is an excessive use of temporary signs, regardless of type.

Size

- Because of the variety of available shapes, blade signs are best regulated by a maximum height and width. The height should be measured from grade and include the full length of the supporting pole. This approach allows design flexibility and lessens the need to calculate sign area based on the actual sign shape.
- Allowing a sign up to 3.5 feet in width (at the widest point) and up to 18 feet in height will accommodate most medium to large-size blade/feather signs.

Timing

- There are two common approaches to allowing blade signs. Some communities treat them like sidewalk signs, where one sign is allowed only during business hours. Other communities treat blade signs like banner signs. In these cases, the signs are only allowed on a limited basis that is typically for 14 to 30 days per occurrence, up to four times per calendar year. With shorter time periods (e.g., 14 days), consider allowing at least two consecutive occurrences to accommodate longer-term needs.

FREESTANDING/YARD SIGNS

Freestanding signs or yard signs are the one type of temporary sign that is almost universally permitted in some form. These signs are used for all most every purpose including commercial and noncommercial speech. The following best practices apply to traditional yard signs, but not signs found on sidewalks, either public or private, which are discussed later in this section.

- Almost every community establishes some setbacks from the right-of-way for freestanding/yard temporary signs, but the setbacks vary tremendously depending on street capacity, street width, and other variables. The majority of required setbacks for these signs range from 5 to 25 feet. These signs also are typically prohibited in close proximity to intersections to maintain safe visibility. Keep in mind that the setbacks should be designed in context with the character of the neighborhood or zoning district, with shorter setbacks appropriate in higher-density neighborhoods.
- In nonresidential districts, many communities allow smaller, residential-scale temporary signs (e.g., maximum of eight square feet and 4 to 6 feet in height) in addition to the larger temporary signs, with a maximum of one additional small sign per business or tenant. This accommodates temporary signage for multi-tenant buildings, especially if your community restricts the number of large temporary signs per property.
- Typically, communities do not require a permit for a temporary sign that is less than 6 to 8 square feet in area, provided the sign complies with any stated requirements (e.g., setbacks, height, etc.).



Figure 30: Signs on larger properties need to be taller and have a larger sign area to allow for clear visibility and legibility.

- The maximum sign area (per face) and maximum height also vary by the intensity of the use and, often street frontage or, in a few communities, based on the street design.

1. In single-family residential districts, the maximum sign area is typically 8 square feet with a maximum height of 4 to 6 feet. Many communities limit temporary yard signs (commercial speech) to one or two signs per yard at any one time. This allows the occupant (or owner) to display signs containing such commonly-used messages as “for sale,” “garage sale,” etc., or a message about a community event.

2. For all other zoning districts, one temporary commercial yard sign is allowed under the following size and height requirements:

2.1 For lots with less than 100 feet of frontage, the maximum sign area is typically between 16 and 20 square feet with a maximum height of 6 feet.

2.2 For lots with more than 100 feet of frontage, the maximum sign area is typically between 30 and 36 square feet and a maximum height of 8 feet.

2.3 For lots with more than 500 feet of frontage or with frontage along an interstate or limited-access highway, the maximum sign area is typically between 64 and 72 square feet with a maximum height of 10 feet. Some communities offer the option of utilizing two signs on this frontage, with a total allowance of 64 to 72 square feet.

Timing

Prior to the *Reed* case, many communities specified time limits based on specific, on-premise activities (e.g., special event, property for sale, project under constructions, etc.). The decision in the *Reed* case has made it difficult to make such exceptions and remain content-neutral. For communities that establish provisions for year-round, temporary signage, freestanding/yard signs are often a type of temporary sign that might be allowed year-round. It is also a type that communities allow as additional signage but limited to a certain number of days and occurrences per calendar year. For the freestanding/yard signs, signs are typically allowed for a maximum of 14 to 30 days per occurrence, up to four times per calendar year. With shorter time periods (e.g., 14 days), consider allowing at least two consecutive occurrences to accommodate longer-term needs.



Figure 31: The time limit typically applies to the sign structure rather than the message because sometimes temporary signs also have temporary messages.



Figure 32: Longer time limits should be allowed for signs associated with temporary uses, such as farm markets, that may operate for months.

Noncommercial Speech Signs

More and more communities treat any signage related to a campaign or election, or that contains noncommercial speech, with kid gloves, and generally maintain very limited regulations. The next section contains a discussion about the legal issues related to such signage, but the following are some best practices for communities that continue to regulate these types of signs.

- Most communities do not specify what types of temporary signs may be used, but where it is specified, the most common types allowed are freestanding/yard signs and banners.
- Consult with your local legal counsel on applicable state and case law to your jurisdiction. Your community may also want to consider the use of a substitution clause. Such clauses state that wherever a sign (with commercial speech) is allowed, the message on such sign may be replaced, or substituted, with a noncommercial message.
- Many states have rules and regulations that apply to what is commonly referred to as election signs. In some cases, those signs might be allowed in the right-of-way, regardless of local rules, or in other cases, may only be allowed for a certain number of days before and after the election. Where the state does have special rules, your local community should avoid duplicating those standards in their own ordinances, especially if they are content based, and leave any of the sign administration and enforcement to the state.
- Keep in mind that not all free-speech signs are related to an election, so there has to be protection of freedom of speech and expression year round (e.g., dealing with temporary signs that express opinions beyond the election issues or candidates). Many communities have basic standards for any temporary sign that does not contain a commercial message, which regulate setbacks and heights for visibility and other safety concerns, but are otherwise hands-off on the number and size of the sign.
- Commonly allowed sign areas are usually a maximum of 6 to 8 feet for residential properties and a maximum of 32 square feet for nonresidential properties. Several states have rules that exempt such signage and requirements from zoning and, as such, maximum sign-area requirements will not apply.



Figure 33: This sign has a message that expresses an opinion unrelated to an election and is a form of protected speech.

LIGHT POLE OR SUPPORT POLE BANNERS

Signs on light poles or other support poles are often treated as temporary signs, even though the pole is permanent and might include permanent posts or structural elements that hold a temporary banner or sign. Regardless, this type of signage is commonly used, but not necessarily addressed in most sign regulations. The following best practices are for such signs, regardless of whether your jurisdiction treats them as permanent or temporary signs.

- Require a sign permit for the initial installation of the permanent structure, but allow message changes without an additional permit.
- Prohibit the attachment of any other temporary signs to the structure.
- Allow for a maximum of two temporary banners on each pole.
- Communities often allow anywhere from 12 to 16 square feet of sign area for each pole. If there are two separate messages, that area would be split in two. Some communities also limit the total amount of temporary signs or messages allowed on such structures to prevent signs on all light or support poles.
- Prohibit the posting of any temporary sign or message above the height of the structure.
- If the permanent structure is designed to accommodate a temporary sign or message, allow for the temporary message to be posted year round without limitations on how often the message is changed.
- Prohibit the use of electronic message centers, changeable-copy signs, and internal lighting.



Figure 34: Permanent light pole with temporary sign components.

PEOPLE SIGNS

People signs, an increasingly popular form of signage, may also be referred to as human signs, sign spinners, or mascot signs. Communities are struggling to establish the best way to regulate people signs because some are concerned about encroaching on First Amendment rights, while others still feel it is signage. Even more legal issues arise when the person is dressed in costume and may or may not be holding a sign. These are all part of the legal discussion that needs to take place when considering regulations for these types of signs.

- As with all political/noncommercial speech issues, it is best to work with legal counsel when considering regulations.
- Where people signs are allowed, most of the communities maintain minimal regulations including:
 - Prohibiting the person from obstructing sidewalks or standing in the right-of-way;
 - Requiring that the signage be related to a business or activity that is on the same premises as where the person is located; and
 - Where there is a sign-area calculation, the sign area is typically measured by the actual message or sign the person is holding (e.g., would not apply to someone that is dressed in costume). Most communities allow for a maximum sign area equal to a small banner or freestanding sign.
- Some communities require a permit while others do not, as long as they meet all the established requirements.
- Numerous communities are establishing a maximum number of one person sign per property.
- Communities typically limit the timing for person signs to the same timing allowed for temporary banners or large freestanding signs. As listed in previous discussions, this time limit is usually a maximum of 14 to 30 days per occurrence, up to four times per calendar year, with the ability to use at least two of the occurrences consecutively.
- Prohibit the use of animations or any type of lighting, as well as the use of bullhorns or amplified sounds.
- Prohibit the use of mannequins to display a sign.

People signs are likely to be something that will be challenged in court more often in the near future because there has not been any clear determination about whether or not they are a sign. There are already a number of court decisions across the U.S. that have involved what is defined in this report as a people sign, with varied results.



Figure 35: People signs, or sign spinners, are becoming a more prevalent form of temporary signage.

PORTABLE MESSAGE CENTER SIGNS

Portable message centers are temporary sign structures that historically have had manual changeable copy. Modern versions of this sign now contain electronic message centers, which are essentially the same as permanent electronic message centers, but are attached to a trailer or vehicle.

- These signs traditionally require a sign permit.
- Some communities require a portable message center sign to be an on-premise sign, but, at the same time, they are often used in advertising for off-premise events and activities. As such, it is important to be cautious with prohibiting off-premise signs if it would be acceptable to use a portable signage for community events, etc.
- These signs traditionally have some type of changeable copy, whether manual or electronic. Electronic versions are often used by businesses to test out a digital sign before installing a permanent electronic message center. They are also commonly used for festivals, fairs, concerts, sporting events, and other large events.
- Any electronic message center should comply with your local regulations related to electronic messages, including message hold times, transition times, and brightness. The most common message hold time is 8 seconds (with many communities below that time),

with transition times being less than one second, and night-time brightness levels at 0.3 footcandles above ambient lighting.

- The sign may be attached to a trailer chassis or other vehicle or may simply be portable, as shown in **Figure 36**. In all cases, the sign must be anchored securely to the ground.
- A maximum sign area of 32 square feet will accommodate a typical portable message center sign with changeable copy. Some communities are allowing as much as 48 square feet if there is a digital signage component. The maximum height should be six feet.
- Only one sign is usually allowed on an individual property at any one time, typically for a maximum of oft 14 to 30 days, one time per calendar year.



Figure 36: Examples of portable message centers.



Image Credit: Daktronics.

Figure 37: Various examples of digital, portable message centers that are mounted on a chassis in a truck bed.

PROJECTED-IMAGE SIGNS

Laser light or projected-image signs are another new sign type that is increasingly used in advertising. These signs use technology to project an image, logo, or other graphic on buildings, structures, sidewalks, or other surfaces. The image itself has no physical structure but it still can be considered a sign.

- A sign permit is typically required for projected-image signs with the exception of any holiday or similar decorations.
- Setbacks are not necessary for this type of sign because the sign requires the existence of another structure where the image will be projected. Any setbacks should be applied to the structure where the sign will be visible. It may be necessary to establish a setback for the projector system if located near a right-of-way (e.g., prohibition in any visibility triangles near intersections).
- Require compliance with applicable building codes as the signs will have an electrical component.
- It is possible to project multiple images that can change in a manner similar to an electronic message center. As such, the sign should comply with your local regulations related to electronic messages, including message hold times, transition times, and brightness. The most common message hold time is 8 seconds, with transition times being less than one second.



Image Credit: This image was originally posted to Flickr by Eric Ishii Eckhardt at <http://flickr.com/photos/48986833@N00/68900990> (licensed under the terms of the cc-by-2.0).

Figure 38: Projected signage at the Walker Art Center in Minneapolis, MN.

- Prohibit the projection of images onto any buildings that contain a residential use or otherwise project light into dwelling spaces.
- The maximum sign area should be calculated based on the projected-image size. Consider allowing a projected-image sign to be the same size as allowed for temporary banner signs or permanent wall signs in the applicable district.
- Require that the projector be located in a manner where it will not obstruct pedestrian movement. Some communities require that the projector be screened from view either by locating it against another structure or within a landscaping area. In these cases, the image may be visible, but the source of the image is not.
- If the projector is to be mounted in a manner that will project an image on the sidewalk or ground, require that the projector be securely mounted to a structure and that it comply with any applicable building or safety ordinances. The projector should also be mounted with at least eight feet of clearance between the ground and the projector so pedestrians may walk under the projector.
- This type of sign is becoming increasingly popular for use as temporary advertising and is often used by bars, restaurants, and entertainment venues on weekends. As such, it is important to consider enforcement capabilities when allowing such signs.



Figure 39: Projected-image signage in the façade of a building.

SIDEWALK SIGNS

Sidewalk signs take multiple forms, including sandwich or A-frame signs, or even a freestanding sign that is secured to some form of portable base (sometimes referred to as a T-frame sign). For a long time, these types of signs were prohibited due to a commonly found prohibition of all signs in the right-of-way, but a growing number of communities now allow them in both public rights-of-way or on private sidewalks (i.e., walkways along buildings). The following are best practices relevant to any form of sidewalk sign.

- Allow for both A-frame and T-frame signs. Both cover roughly the same ground space, and the T-frame can be more stable, depending on the construction.
- While sidewalk signs are typically regulated as temporary signs, they are usually seen as a component of the permanent sign package because they are typically allowed to be displayed during business hours, 365 days a year. The best approach is to require the signs be stored when the business is closed, and avoid any limitations on the number of days the sign is allowed per year.
- Allow for sidewalk signs in any right-of-way provided that the sign is placed on the sidewalk pavement and that there remains sufficient clearance, of at least four feet, to allow for clear passage of pedestrians. Keep in mind that you might have to clarify your right-of-way rules for the allowance of sidewalk signs.
- Allow one sign per business or tenant. Requiring the sign to be situated directly outside the individual business space, or within 5 to 10 feet of the entrance, will prevent the stacking of signs, such as those illustrated in **Figure 41**.
- Prohibit sidewalks signs from being located in any landscaping or streetscape areas.
- Be clear on whether illumination is allowed. Most communities prohibit any external or internal illumination, which should not be an issue if the sign is to be removed when the business is closed.



Figure 40: An A-frame or sandwich board sign.



Figure 41: A T-frame sign.

- Many of these sign types are utilized in historic or other special districts that require some level of board or special administrative review (e.g., certificate of appropriateness), but for other areas, many communities allow these types of signs in certain areas without a permit, provided they comply with all the standards.
- The most prevalent size regulation for a sidewalk sign is a maximum of 6 square feet per sign face (two feet wide by three feet high) regardless of the type of sidewalk sign. Some communities allow as much as 8 or 12 square feet, provided the sign does not exceed three feet in width.
- For safety reasons, sidewalks signs should be located so as to not obstruct pedestrian movement and maintain a minimum width of four feet of clearance (standard width of a residential sidewalk). Some communities require more clearance, depending on local and state rules.
- Sidewalk signs should also not obstruct pedestrian or handicap accessibility to buildings, emergency exits, transit stops, or parking spaces.



Figure 42: The stacking of multiple sidewalk signs can be avoided without taking away the benefit of additional signage.

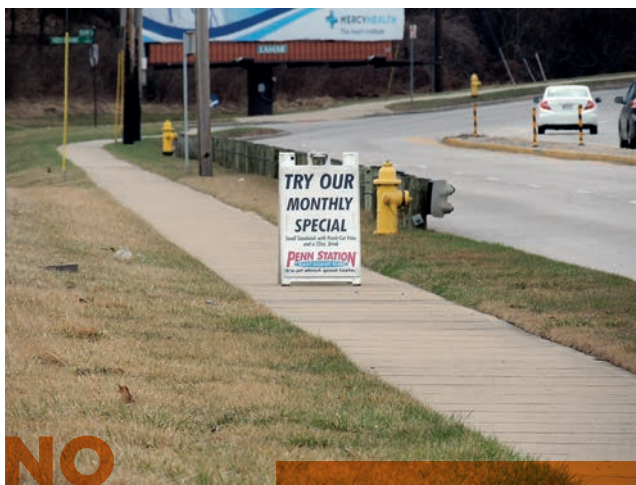


Figure 43: Improper placement of a sidewalk sign.



Figure 44: Proper placement of a sidewalk sign.



VEHICLE SIGNS & WRAPS

Vehicle wraps have made it easier for businesses to advertise with company cars and vehicles. This has spawned new questions and enforcement issues as it relates to vehicle signs. While not always treated as temporary signs, communities are starting to address them in sign regulations, where the focus of standards is on the parking or location of the subject rather than the size of the sign.

- Avoid requiring a permit for this type of sign. It only creates problems with administration in situations where a business expands its fleets, changes signs, or switches out vehicles.
- Avoid establishing different standards for vehicles that have different amounts of sign area on the car. Again, this increases the number of administrative and enforcement problems. For example, avoid requiring that vehicles with “x” amount of signage, park in designated areas or be set back from certain roads.
- Consider exempting the following types of vehicles with signs to address a number of situations where vehicle signage is appropriate:
 - Legal, mobile food trucks or mobile businesses that do not have a brick and mortar store or office;
 - Vehicles associated with a contractor or service provider where, during non-business hours, the vehicle is either parked in an industrial zoning district or in designated parking areas of the main store or office;
 - Signs on vehicles that are for sale or lease and are parked legally in a parking space;
 - Signs on vehicles that are regularly used for businesses (e.g., delivery vehicles) unless used in a manner otherwise prohibited in the vehicle-sign regulations;
 - Signs that are actively used for business and/or personal transportation; or
 - Any signage on a vehicle that is required by state or federal law.



Image Credit: 310.

Figure 45: Example of a sign wrap on a delivery truck used regularly during the operation of a business.

- Prohibit the parking of vehicles with signs under the following situations where the vehicles are being used for the sole purpose of creating additional signage for the business:
 - The vehicle is not mobile (See Figure 46) and remains on site for more than one day.
 - The vehicle is parked on a vacant property (land or structure) for more than six hours.
 - The vehicle is parked for more than eight hours on the property so as to be visible in a similar manner (e.g., location, setback, etc.) as any permanent sign and is not regularly used for business activities.
- Keep in mind that if the subject vehicle is parked or stored illegally to begin with, regardless of the presence of a sign, the enforcement should be about the vehicle and not the sign.



Figure 46: An empty semi-trailer is being used as signage for a construction-debris dump. The vehicle is being illegally uses as a buffer.



Figure 47: An example of a vehicle sign used primarily as a stationary identification or advertisement sign.

WINDOW SIGNS

Window signs can be considered permanent or temporary, depending on application. For example, many restaurants use temporary peel-and-stick signs in their windows to advertise new products or sales. These signs are easy to remove and replace, whereas a permanent window sign is typically painted directly on the window or is a sign that is permanently mounted to be visible through the window. Reasonable regulations of these signs include

- Prohibit window signs on residential windows.
- Most communities do not require a permit for any type of window signage, provided it complies with any established requirements. Exceptions include window signs in historic districts or a district with special design requirements.
- When establishing regulations for window signs, discuss whether the concern is about the amount of the window that is covered, the number of signs visible, or if the message is permanent or temporary. Some communities distinguish between permanent and temporary window signs, but if the overall concern is the total coverage, such distinctions are irrelevant.
- If your local police or fire departments are concerned about visibility in the event of an emergency, you can require temporary window signs to be mounted on the outside of the window with tabs or similar methods for quick removal. This typically only applies in areas where 100% window coverage is possible (e.g., restaurants).
- While some communities place a maximum square footage on window signs, a better practice is to allow a range of 50% to 75% of any single window area to be covered by signage. This will allow for reasonable visibility into the building, something often desired and/or required by police and fire departments. At the same time, it provides some flexibility in advertising for businesses by using window space to promote goods and sales.
- Limiting the number of signs within each window space to as many as two or three signs may prevent the placement of numerous signs as illustrated in **Figure 48**. This may be a necessary requirement if your community allows a higher percentage of window coverage.
- For historic or special districts, it is common to restrict window signs to permanent to maintain the character of the area. If temporary window signs are allowed, the percentage of window coverage is typically reduced to between 20% and 25%.



Figure 48: This is an example of temporary window signs that cover less than 50% of the windows.



Figure 49: This is an example of temporary window signage that most communities want to prohibit.

LEGAL RESOURCES FOR TEMPORARY SIGNS

This document is not designed to provide legal opinions on temporary signs, primarily because of the wide variety of court cases and state laws that have different impacts on each

community's ability to regulate temporary signs. For example, an Arizona statute requires jurisdictions to allow political signs in rights-of-way during certain time periods around elections, while

in Ohio, there are different legal opinions regarding a community's authority to regulate signage for aesthetic purposes. This section simply highlights some key legal issues that a community needs

to consider, identifies potential red flags for further review, and directs you to additional resources for further reading. In all

instances, you should work closely with your community's legal counsel to ensure compliance with all local, state, and federal laws.

Content-Neutrality.

Content-neutrality impacts regulation of all signs, not just temporary signs, and quite often it becomes a question of interpretation. Just over 55% of the survey participants believe they have content-neutral regulations. Among those who said “no,” some did recognize they regulate real-estate and political signs differently than other types of temporary signs. Like many legal issues, it is not as straight forward as one would think, and much of the question is related to interpretation of case law that applies to individual jurisdictions.

The U.S. Supreme Court, in its 2015 ruling in *Reed v. Town of Gilbert*, Arizona, made it clear that for a sign regulation to be considered content-neutral, you should not have to read the sign to determine what type of sign it is, or how to regulate the sign. Because of *Reed*, real-estate, political and construction signs, etc. are now considered content-based signs because you define them by their content. Content-neutral sign regulations define signs based on their size, height, structure, placement, material, shape, or other characteristics, not content. This document focuses on the content-neutral, sign type definitions, such as banner signs, blade signs, sidewalk signs, etc. While it is true that before *Reed* a few court cases allowed the regulation of a limited number of content-based signs, such as real estate or political signs, but those decisions have now been effectively overturned by the *Reed* decision and should no longer be considered good law. The best approach for any jurisdiction, in light of the *Reed* decision, is to eliminate all content-based language from your sign regulations, with the only exceptions being signs that must be defined by content in order to achieve a compelling governmental interest.



Figure 50: This sign would be classified as a real estate or construction sign in content-based regulations. A content-neutral approach would be to classify it as a temporary yard sign.

On-Premise versus Off-Premise Signs.

The *Reed* decision has left uncertain the legality of regulations that consider the content of signs to determine if the sign is an on-premise sign or an off-premise sign. This has always been important for permanent signage because of a general concern about allowing billboard signs, which are traditionally off-premise signs. With temporary signs, this distinction may be less important, as discussed earlier, and may only be applicable when addressing larger temporary signs, such as balloon signs.

The Substitution Clause

As mentioned in the introduction, there is still a question of whether communities have the ability to regulate signs based on whether they contain commercial or noncommercial speech. Regardless of this question, communities should always consider including a substitution clause in their sign regulations that would allow for a sign owner to replace any commercial message on a sign, with a noncommercial message.



Figure 51: These two temporary signs advertise a local community event (sign on left) and a public service announcement (sign on right) unrelated to the property and would typically be considered off-premise signs.

ADDITIONAL READING

The following is a list of additional reading and resources that provide discussions about legal issues related to signage, as well as other best practices for regulating signage as outlined in this guide.

Context-Sensitive Signage Design (Chapter 6 – Legal Issues in the Regulation of On-Premise Signs)

Marya Morris, Mark L. Hinshaw, Douglas Mace, and Alan Weinstein. Context Sensitive Signage Design. (American Planning Association, 2001)

<https://www.planning.org/research/signs/pdf/chapter6.pdf>

An Evidence Based Model Sign Code

Dawn Jourdan, Esq., Ph.D., H. Gene Hawkins, Jr. Ph.D., P.E., Robin Abrams, Ph.D., and Kimberly Winson-Geideman, Ph.D. An Evidence Based Model Sign Code. (Urban Design Associates, 2009)

<http://www.dcp.ufl.edu/files/8c71fa03-9cbf-4af2-9.pdf>

A Framework for On-Premise Sign Regulations

Alan Weinstein and David Hartt. A Framework for On-Premise Sign Regulations. (Sign Research Foundation, 2009)

<http://www.signresearch.org/wp-content/uploads/A-Framework-for-On-Premise-Sign-Regulation.pdf>

The Signage Sourcebook: A Signage Handbook

U.S. Small Business Administration. The Signage Sourcebook: A Signage Handbook. (U.S. Small Business Administration, 2003)

Not available online but available for purchase at various outlets.

Street Graphics and the Law

Daniel R. Mandelker, John M. Baker, and Richard Crawford. Street Graphics and the Law. (APA Planning Advisory Service, 2015)

Not available online but available for purchase at www.planning.org and other outlets.

United States Sign Council On-Premise Sign Code

Andres D. Bertucci and Richard B. Crawford, Esq. United States Sign Council Model On-Premise Sign Code. (United States Sign Council, 2011)

<http://www.usscfoundation.org/USSCModelOn-PremiseSignCode.pdf>

In addition to the above documents, the **International Sign Association** has produced a series of videos on issues related to sign area, sign height calculations, and sign visibility. These videos can be found online at <http://www.signs.org/Resources/ISAVideos.aspx>.

GLOSSARY

An important part of any sign regulations is a solid set of definitions for the various sign types and terms used in the regulations. This is especially true when the regulations prohibit all types of signs unless specifically listed and/or defined. In those instances, the definitions are the primary method of determining what types of signs are allowed or prohibited. The following is a glossary of terms commonly used in the regulation of temporary signs.

Advertising Mural

A large-scale temporary or permanent sign that covers all or a major portion of a multi-story blank or unfinished wall, building, or structure.

A-Frame Sign (a.k.a., Sandwich Board Sign or Sidewalk Sign)

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Air-Activated Graphic

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Balloon Sign (a.k.a., Inflatable Device)

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

Banner Sign

A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Blade Sign (a.k.a., Feather Sign, Teardrop Sign, and Flag Sign)

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Commercial Message

Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Freestanding/Yard Sign

Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Light Pole Banner (a.k.a., Support Pole Banner)

A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

Noncommercial Message

Any sign wording, logo, or other representation that is not defined as a commercial message.

On-Premise Sign

A sign that advertises or otherwise directs attention to a product sold, service provided, or activity that occurs on the same parcel where the sign is located.

Off-Premise Sign

A sign that advertises or otherwise directs attention to a product sold, service provided, or an activity that occurs on a different parcel than where the sign is located.

Pennant

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

People Sign (a.k.a., Human Mascot, Sign Spinner, and Human Sign)

A person attired or decorated with commercial insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign.

Portable Message Center Sign

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

Projected-Image Sign

A sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.

Sign

Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Snipe Sign

A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Temporary Sign

Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure, which is permanently embedded in the ground, are considered temporary signs.

T-Frame Sign

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Vehicle Sign

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary identification or advertisement sign.

Window Sign

Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior including, but not limited to, window paintings and signs located inside a building but visible primarily from the outside of the building.

ACKNOWLEDGEMENTS

Sincere thanks goes to the **Sign Research Foundation** and the review team assembled to provide feedback on the development of this guide.

Chris Auffrey

School of Planning, University of Cincinnati

Eric Esch

Alliance Franchise Brands

Patty Herbin

Sign Research Foundation

David Hickey

International Sign Association

Mike Kesti

The 3M Company

Chairman of the Signage Foundation, Inc.

Jason Myers

FASTSIGNS International

Kenneth Peskin

International Sign Association

David Williamson

The Law Office of David L. Williamson

Graphic Designer

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