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Sherman Village mayor Colleen Meeder

Municipalities can not impose content restrictions on signs

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SHERMAN – Municipalities may not impose content-based restrictions on signage because such restrictions violate first amendment rights, Village of Sherman Zoning Board members learned at their meeting on Aug. 5.

Sherman Mayor Colleen Meeder told board members that, with the proliferation of graduation signs, political signs, and other ideological signs, municipalities are forced to look at the codes which regulate these forms of expression.

Meeder told the board there was a case in 2015, Reed v. Town of Gilbert,

which came before the United States Supreme Court and resulted in the decision that a town's sign regulations may not violate the First Amendment right of freedom of speech. "So, this means all temporary signage should be treated the same," Meeder said.

The case of Reed v. Town of Gilbert was brought before the Supreme Court when the town of Gilbert, AZ adopted a municipal sign ordinance that imposed stricter limitations on signs advertising religious services than signs displaying political or ideological messages.

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When a local church was cited for violating the ordinance, the church filed a lawsuit, which eventually made its way to the Supreme Court. Meeder told the board that differentiating ideological messages

from political messages violates the Supreme Court ruling.

Meeder noted that Southern Tier West is hosting several webinars this fall, and one deals specifically with signage. She suggested that board members consider attending the webinar in order to gain a better understanding of municipal codes regarding signs.

Meeder also told board members that municipalities also need to consider symbolic forms of group messages, in addition to signs. "The other thing that has come up is not just signs but any kind of expression, such as emblems or symbols, that convey a group message," she said.

How long a sign may be displayed is another thing the board needs to look at, Meeder said. "Jamestown

actually stipulates within their code that there is no specific duration for signage," she noted. "This is one section of our zoning that is out of date."

In other business, Meeder requested and received board approval for a sign permit for BK Wine and Spirits at 107 West Main Street, at no cost. The village is offering the permit with no fee to promote the economic development of the village during the COVID-19 pandemic, she said.

The board also approved the annual commercial dumpster and sign permits for Arlene's Kitchen at 104 East Main Street at no cost. Meeder noted that, again, waiving the fee is to promote the economic development of the Village of Sherman.



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