Good News
Presbyterian
Coronado Elementary School
Worship 9:00 AM
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YOUR COMMUNITY CHURCH
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Content Based Regulation

- **Facially**
  - Targets speech based on its communicative content.
  - Applies to particular speech because of the topic discussed or the idea or message expressed.

- **As Applied**
  - Cannot be justified without reference to the content of the regulated speech.
  - Adopted by the government because of disagreement with the message conveyed.

**Content Based Regulation Must Pass Strict Scrutiny Test**
The Court found the ordinance was content based

- It defined the categories of signs on the basis of the message conveyed.
- It subjected each of the categories to different restrictions.
- The Court found the restriction in the code applied to any given sign depending entirely on the communicative content of the sign.

This is a change – the new rule being, if you have to read the sign to determine how it is regulated, it is subject to strict scrutiny.
Strict Scrutiny Test

- The regulation furthers a compelling interest; and

- The regulation is narrowly tailored to achieve that interest.
Take aways:

- Content neutral options for sign regulation (majority opinion):
  - Size
  - Building materials
  - Lighting
  - Moving parts
  - Portability
  - Public property
More take aways:

- Suggestions by the concurring Justices:
  - Size
  - Location
  - Freestanding / attached to buildings
  - Lighted / unlighted
  - Fixed messages / electronic
  - Private / public property
  - On-premises / off-premises
  - Total number of signs
  - Time restrictions for a one-time event (???)