

## 10 things to remember about *Reed*:

1. This case is not about **temporary** signs. It's about **content**.
2. **Topic** or **message** = content
3. There are 2 ways you get into trouble: (1) **exemptions** (2) **categories**
4. Identify **temporary** signs by **structure** type and **uniform event** triggers.
5. Identify all signs (permanent or temporary) by **structure** or **design** (structure, design, location)
6. Distinctions between **on-** and **off-site** signs are **probably** sufficient
7. So far, **intermediate** scrutiny for distinctions between **commercial** signs is intact.
8. It **doesn't help** sign industry.
9. Use **allocation** based systems that allow the property owner to allocate messages.
10. Remember other First Amendment caselaw requirements (overbreadth, vagueness, secondary effects [i.e. adult uses])



## Use v. Sign Regulations

Constitutional issues	Due process, equal protection, takings (property rights)	First Amendment (free speech) ... and the others
Government interest	Legitimate	Substantial / Compelling
Nexus	Rational basis	Intermediate "with bite" / strict
Scope	Reasonable (legislator's choice)	Directly advance / no further than necessary Narrowly tailored
Scrutiny	Deferential	Intermediate / Strict

