OLR Bill Analysis
HB 5229

AN ACT CONCERNING THE REGULATION OF SIGNS BY ZONING COMMISSIONS.

SUMMARY

This bill authorizes municipal zoning commissions to regulate the height, size, location, and brightness of all signs and billboards, rather than just advertising signs and billboards as current law allows. The authorization applies to municipalities exercising zoning powers under CGS § 8-2. Existing law, unchanged by the bill, gives municipalities general authority to regulate the placing, erecting, or keeping of signs on or over sidewalks, streets, and other public places.

By law, signs are a type of speech protected by the First Amendment to the U.S. Constitution. As such, municipal regulations of signs must comport with the restrictions imposed by case law and the U.S. Constitution (see BACKGROUND).

The bill additionally makes a conforming change to exempt all signs and billboards, and not just advertising signs and billboards, from municipal zoning regulations pertaining to their brightness and illumination if the signs (1) are not equipped to calibrate brightness or illumination and (2) were installed before the regulation or ordinance was adopted.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

State Case Law

“Advertising sign” is not defined in state statute. In Kutch v. Arisian, 329 Conn. 530 (2018), the Connecticut Supreme Court held that, for purposes of CGS § 8-2, it means any form of public announcement intended to aid directly or indirectly in the sale of
goods or services, in the promulgation of a doctrine or idea, in securing attendance, or the like.

**Supreme Court Cases**

In *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), the U.S. Supreme Court held that content-based laws (those that target speech based on its communicative content) are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. The holding’s restriction of content-based laws applies to municipal regulations of signs.

However, the U.S. Supreme Court held that the Constitution affords commercial speech, including signs, less protection than other constitutionally guaranteed expressions. In *Central Hudson Gas v. Public Service Commission of New York*, 100 S.Ct. 2343 (1980), it stated that government regulations may place greater restrictions on commercial speech if the government has a substantial interest in regulating the speech and the regulation is no more extensive than necessary to serve the interest. Additionally, to come within the First Amendment’s protections, commercial speech must concern lawful activity and not be misleading.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 22 Nay 0 (03/25/2019)