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HIGHWAYS - CALIFORNIA

Lamar Advertising Company v. County of Los Angeles

Lamar Advertising Company v. County of Los Angeles Eyeglasses - Previously viewed in last 30 days for current Client ID Saved to Folder Court of Appeal, Second District, Division 8, California - May 8, 2018 - 232 Cal.Rptr.3d 394 - 18 Cal. Daily Op. Serv. 4295 - 2018 Daily Journal D.A.R. 4287

Billboard owner, which had rebuilt billboard that was blown over in a windstorm, filed petition for writ of mandate to challenge citation issued by County Department of Regional Planning for violation of county zoning ordinances.

The Superior Court denied the petition, and billboard owner appealed.

The Court of Appeal held that:

- Reconstruction did not constitute “customary maintenance” under the Outdoor Advertising Act;
- Advertising display was completely destroyed in windstorm such that billboard was not eligible for customary maintenance and its re-erection was a placement of a billboard; and
- Billboard did not fall within county ordinance allowing restoration of a “damaged or partially destroyed” nonconforming structure.

Reconstruction of non-conforming billboard which was blown down by wind did not actively maintain its display in its existing approved physical configuration and size dimensions, and therefore did not constitute “customary maintenance” under the Outdoor Advertising Act; reconstructed billboard had a smaller wood surface face, reconstruction added an electrical box as well as new lateral supports and a new catwalk, and billboard repairs were not incidental, but rather owner essentially replaced and upgraded the entire display mounted on the posts.

Billboard’s advertising display was completely destroyed in windstorm such that it was not eligible for customary maintenance and its re-erection was a “placement of a billboard” under the Outdoor Advertising Act, even if some of the support poles did not fall over in the windstorm, where owner replaced the entire advertising display mounted on the posts.

Billboard blown over in windstorm was totally destroyed and thus did not fall within county ordinance allowing restoration of a “damaged or partially destroyed” nonconforming structure, where billboard could no longer function in any way as an advertising surface, billboard was unrecognizable after the windstorm and consisted only of some remaining “telephone posts” and “lateral boards,” there was no message for the motoring public to see, and billboard owner had to replace entire advertising display mounted on the posts.