

Bond Case Briefs

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MUNICIPAL ORDINANCE - PENNSYLVANIA

Sutton v. Chancery Township

United States Court of Appeals, Third Circuit - February 13, 2019 - Fed.Appx. - 2019 WL 588757

Owners of shopping center brought action against township and township officials challenging township's special requirements for adult entertainment establishments on First Amendment grounds and alleging that denial of their application for a permit to operate a nude cabaret violated substantive due process.

The United States District Court for the Middle District of Pennsylvania awarded summary judgment to defendants. Owner appealed.

The Court of Appeals held that:

- Zoning ordinance placing limitations on adult-oriented businesses was facially valid under the First Amendment
- Ordinance did not violate the First Amendment as applied to owners; and
- Denial of permit application did not violate owners' substantive due process rights.