

Bond Case Briefs

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Metropolitan Development Commission v. Worth Outdoor, LLC

Court of Appeals of Indiana - August 16, 2019 - N.E.3d - 2019 WL 3850766

Metropolitan Development Commission brought action against billboard sign owner that had a sign permit claiming owner had violated portions of city-county ordinance by operating an unpermitted digital billboard and failing to obtain an improvement location permit (ILP) before altering the billboard from static to digital.

The Superior Court granted holder's motion for summary judgment. Commission appealed.

The Court of Appeals held that:

- Billboard was a structure requiring an ILP, and therefore was not a legally established nonconforming use, and
- Owner did not have statutory vested rights in its digital billboard.

Digital billboard was a structure requiring an improvement location permit (ILP) from Metropolitan Development Commission before it could be altered or erected, pursuant to a city-county ordinance, and therefore the billboard was not a legally established nonconforming use, where the billboard, whether it was a new sign or an alteration of the original sign, was a sign that required a specific location upon, and was permanently affixed to, the ground.

Billboard sign owner did not have statutory vested rights in its digital billboard, although owner had already constructed and erected the new digital billboard to replace its static billboard, where owner never applied for a required improvement location permit (ILP) when it sought permission for and competed installation of the new billboard, as was required by city-county ordinance, and the permit application process was incomplete.