

Bond Case Briefs

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Adams Outdoor Advertising Limited Partnership v. City of Madison, Wisconsin

United States Court of Appeals, Seventh Circuit - January 4, 2023 - F.4th - 2023 WL 33962

Outdoor advertising company brought action alleging that city's sign-control ordinance violated First Amendment.

The United States District Court for the Western District of Wisconsin entered summary judgment in city's favor, and company appealed.

The Court of Appeals held that:

- Claim preclusion barred company's claim that city's sign-control ordinance violated First Amendment;
- Company's claim did not fall within scope of exception to claim preclusion for declaratory judgments;
- Ordinance was subject to intermediate scrutiny under First Amendment; and
- City's digital-sign prohibition did not violate First Amendment.

City's digital-sign prohibition was reasonably related to its stated interests in promoting traffic safety and preserving visual aesthetics, and thus did not violate outdoor advertising company's First Amendment rights; billboards by their very nature could be perceived as esthetic harm, and presence of overhead signs and banners was bound to cause some drivers to slow down in order to read sign before passing it.