

Bond Case Briefs

Municipal Finance Law Since 1971

SIGNAGE - TEXAS

Garrett Operators, Inc. v. City of Houston

Court of Appeals of Texas, Houston (1st Dist.) - January 22, 2015 - S.W.3d - 2015 WL 293305

Owner of billboard was prohibited by City from installing an LED display on the sign, although the local Sign Code contained no reference to LED lights. The City subsequently amended the Code (the "Amendments") to prohibit electronic signs.

Owner sued, arguing, inter alia, that any application of the Amendments to him was a violation of the Texas Constitution's prohibition against retroactive laws under Article I, section 16.

The Court of Appeals held that:

- The trial court erred in ruling that Owner was barred by the statute of limitations;
- Owner's proposed conversion of the billboard but was a reconstruction or alteration of the billboard requiring a permit from the Sign Administration;
- Because Owner was required to, but had not requested a permit from the Sign Administration at the time he filed suit, he had no vested interest in converting its sign to LED without a permit; and
- Because Owner had no vested interest in converting his sign without a permit, the amendments to the Sign Code were not unconstitutionally retroactive when applied to him.