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MUNICIPAL ORDINANCE - INDIANA

View Outdoor Advertising, LLC v. Town of Schererville Board of Zoning Appeals

United States District Court, N.D. Indiana, Hammond Division - January 22, 2015 - Slip Copy - 2015 WL 331940

View Outdoor Advertising brought suit against the Town of Schererville, claiming that its ordinance prohibiting all billboards violated its free speech rights, that it did not receive proper due process regarding its request for a variance, and that the Town's decision to deny the variance was arbitrary and capricious.

The District Court held that:

- The ordinance was sufficiently narrowly tailored to directly advances the Town's interests in aesthetics; and
- There existed no due process violation, as View had been given notice and a robust opportunity to be heard at the hearing before the Board of Zoning Appeals.

Having dismissed all federal claims, the District Court remanded all remaining state claims (including the arbitrary and capricious claim) to the state court.