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Justices Rule for Small Arizona Church in Sign-Law Dispute.

WASHINGTON — The Supreme Court ruled Thursday for an Arizona church in a dispute over a town's sign law in a decision that three justices said could threaten municipal sign regulations across the country.

The court unanimously agreed to strike down a law in Gilbert that set tougher rules for signs that direct people to Sunday church services than for signs for political candidates and real estate agents.

But the justices divided over why the law violated the rights of the Good News Community Church.

Gilbert's attorney said the ruling will make it exceptionally hard for cities across the nation to regulate signs, and it will be a special problem for Arizona because of a state law specifically allowing political signs.

"All municipalities throughout the country and especially in Arizona are going to have to review this matter," said Gilbert Town Attorney Michael Hamblin. "Arguably, the contention is if you allow political signs in the right of way for these periods of time then you can't make distinctions for other types of signs."

But the attorney for the church, David Cortman of the Scottsdale, Arizona-based Alliance Defending Freedom, said the fears of cities were overblown.

"I think it's an overstatement - I don't think the sky is falling, nor will it," Cortman said. "Towns and municipalities have many different ways to regulate signs in a constitutional fashion."

The church complained that the law forced the church to put up smaller signs than those for political candidates, real estate agents and others. The church's signs also could be in place for short periods of time.

Lower federal courts upheld the town's sign ordinance, saying the distinction it drew between different kinds of temporary signs was not based on what a sign said.

Justice Clarence Thomas rejected that argument in his majority opinion for six of the nine justices. Thomas said political signs are "given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination."

Under the rigorous review the court gives to laws that treat speakers differently because of content, the law must fall, Thomas said.

Justice Elena Kagan said she fears that all sign ordinances now will have to face the same strict review and many "are now in jeopardy" because of Thursday's decision.

There was a narrower way to decide the case in the church's favor, Kagan said. The town's defense

of its sign ordinance was marked by the “absence of any sensible basis” for distinguishing between signs and did not pass “even the laugh test,” she said.

Justices Stephen Breyer and Ruth Bader Ginsburg joined Kagan’s opinion.

“I think Justice Kagan got it right,” said Charles Thompson, executive director and general counsel for the International Municipal Lawyers Association. “It’s likely to make the courts a super sign board. We’re going to be seeing the federal courts litigating questions over whether a sign falls within the narrow exception.”

Thomas said the decision would not prevent cities and towns from regulating signs to take account of safety and aesthetic concerns.

The Good News Community Church is led by Pastor Clyde Reed and serves roughly 30 adults and up to 10 children, but lacks its own building. The church and Reed sued Gilbert for treating religious groups more severely than others, alleging violation of the First Amendment’s guarantee of religious freedoms.

The sign ordinance struck down Thursday allowed directional signs, like the ones put up by the church inviting people to Sunday worship, to be no larger than 6 square feet. They had to be placed in public areas no more than 12 hours before an event and removed within an hour of its end.

Signs for political candidates, by contrast, can be up to 32 square feet and stay in place for several months.

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Associated Press reporter Bob Christie contributed from Phoenix