

Bond Case Briefs

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Contest Promotions, LLC v. City and County of San Francisco

United States District Court, N.D. California - July 28, 2015 - Slip Copy - 2015 WL 4571564

Plaintiff is a corporation that organizes and operates contests and raffles whereby individuals are invited to enter stores for the purpose of filling out an application to enter a contest. Plaintiff brought suit against the City of San Francisco, challenging the constitutionality of its signage ordinances, which banned the use of “off-site” signage, known as General Advertising Signs, but permitted “on-site” signage, known as Business Signs. The primary distinction between the two types of signage pertains to where they are located. Broadly speaking, a Business Sign advertises the business to which it is affixed, while a General Advertising Sign advertises for a third-party product or service which is not sold on the premises to which the sign is affixed. The paradigmatic example of an off-site (or General Advertising) sign would be a billboard.

The Complaint alleged causes of action for (1) violation of the First Amendment, (2) denial of Due Process, (3) inverse condemnation, (4) denial of Equal Protection, (5) breach of contract, (6) breach of implied covenant of good faith and fair dealing, (7) fraud in the inducement, (8) promissory estoppel, and (9) declaratory relief.

The District Court granted City’s motion to dismiss as to all causes of action. The state law claims were dismissed without prejudice so that a state court may decide the state law claims in the first instance.