

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Lamar Central Outdoor, LLC v. City of Los Angeles

Court of Appeal, Second District, Division 8, California - March 10, 2016 - Cal.Rptr.3d - 2016 WL 911406

Billboard company brought action against city for declaratory, injunctive, and writ relief challenging city ordinance restricting off-site outdoor advertisements. The Superior Court granted writ of mandate. City appealed.

The Court of Appeal held that:

- Ordinance generally banning off-site outdoor advertisements was not subject to strict scrutiny, and
- Ordinance generally banning off-site outdoor advertisements did not violate the free speech provision of the state constitution.

City ordinance generally banning off-site outdoor advertisements for activities or businesses conducted “elsewhere than on the premises where the sign is located” was not subject to strict scrutiny under the free speech provision of the state constitution, even though the ordinance contained exceptions allowing about 15,000 off-site outdoor advertisements, since the distinction between off-site and on-site advertisements was not content-based, and the ordinance was not directed at the content of any commercial sign or at any particular speaker.

City ordinance generally banning off-site outdoor advertisements for activities or businesses conducted “elsewhere than on the premises where the sign is located” did not violate the free speech provision of the state constitution, since the ordinance satisfied an intermediate scrutiny standard by reasonably fitting the objectives of traffic safety and esthetics, even though the ordinance contained exceptions allowing about 15,000 off-site outdoor advertisements, where the majority of those advertisements were on public facilities such as transit shelters and light poles.