

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Lone Star Security and Video, Inc. v. City of Los Angeles

United States Court of Appeals, Ninth Circuit - July 7, 2016 - F.3d - 2016 WL 3632375 - 16 Cal. Daily Op. Serv. 7251

Owners of mobile advertising billboards brought actions alleging that municipal ordinances for four cities, prohibiting the parking of mobile advertising billboards on public streets, violated free speech, due process, and privileges or immunities protections in federal and California Constitutions.

After consolidating actions, the United States District Court granted summary judgment to cities. Billboard owners appealed.

The Court of Appeals held that:

- Ordinances were content neutral;
- Ordinances were narrowly tailored to cities' significant interests in eliminating visual blight and promoting safe and convenient flow of traffic; and
- Ordinances left open ample alternative communication channels.

City ordinances that limited advertising signs that could be affixed to motor vehicles, and prohibited non-motorized mobile advertising billboards on public streets, were content neutral, and thus permissible under First Amendment if they were narrowly tailored and left open ample alternative communication channels. Ordinances' regulation of "advertising" signs was directed to activity of displaying message to public, not particular content that might be displayed, and there was no suggestion that ordinances applied differently to political endorsements than to commercial speech, for example.

Content-neutral city ordinances that prohibited non-motorized mobile advertising billboards on public streets were narrowly tailored to cities' significant interests in eliminating visual blight and promoting safe and convenient flow of traffic, and thus ordinances were permissible under First Amendment if they left open ample alternative communication channels. Cities believed mobile billboards detracted from cities' aesthetics, billboards reduced on-street parking, were likely to impair pedestrians' and drivers' visibility, and posed safety risk to motorists who were forced to veer around them, and cities' goals would be achieved less effectively absent prohibition because billboards could be moved in and out of jurisdiction with ease.

Content-neutral city ordinances that limited motorized mobile billboards were narrowly tailored to cities' significant interests in eliminating visual blight and promoting safe and convenient flow of traffic, and thus ordinances, which prohibited non-permanently affixed advertising signs and permanently affixed signs that were larger than vehicle's dimensions, were permissible under First Amendment if they left open ample alternative communication channels. Cities believed mobile billboards detracted from cities' aesthetics, temporary signs posed danger to pedestrians and motor vehicles because of risk they would come detached, and signs larger than vehicles were more likely to obstruct traffic and impede drivers' field of vision.

Content-neutral narrowly tailored city ordinances, which limited advertising signs that could be affixed to motor vehicles and prohibited non-motorized mobile advertising billboards on public streets, left open ample alternative communication channels, and thus ordinances were permissible under First Amendment. Messages could be disseminated through myriad other channels, such as stationary billboards, bus benches, flyers, newspapers, or handbills, or by painting signs on vehicles or attaching decals or bumper stickers.