

Bond Case Briefs

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MUNICIPAL ORDINANCE - COLORADO

Aptive Environmental, LLC v. Town of Castle Rock, Colorado

United States Court of Appeals, Tenth Circuit - May 15, 2020 - F.3d - 2020 WL 2503912

Seller of pest-control services through door-to-door solicitation filed action alleging that town's ordinance imposing 7:00 p.m. curfew on commercial door-to-door solicitation violated its First Amendment rights and sought injunction against the curfew's enforcement.

Following a bench trial, the United States District Court permanently enjoined town from enforcing the curfew. Seller appealed.

The Court of Appeals held that:

- Seller established injury-in-fact required for Article III standing;
- Causal link existed between ordinance and injury-in-fact, as required for Article III standing;
- Seller established redressability requirement of Article III standing;
- Ordinance regulated commercial speech protected by the First Amendment;
- Town failed to demonstrate that ordinance directly advanced its interest in public safety, and thus that interest did not justify burden on First Amendment rights; and
- Town failed to demonstrate that ordinance directly advanced its interest in protecting privacy of its citizens, and thus that interest did not justify burden on First Amendment rights.