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MUNICIPAL ORDINANCE - MISSOURI

Langford v. City of St. Louis, Missouri

United States Court of Appeals, Eighth Circuit - July 6, 2021 - F.4th - 2021 WL 2793564

Protestor brought action against city, seeking injunctive and declaratory relief and alleging that ordinance prohibiting obstructing or delaying movement of pedestrian or vehicular traffic violated her free speech rights, was overbroad as applied to her and facially, and was void for vagueness in violation of the Due Process Clause of the Fourteenth Amendment.

Both sides moved for summary judgment. The United States District Court for the Eastern District of Missouri granted protestor's motion and denied the city's cross-motion, and the city appealed.

The Court of Appeals held that:

- Municipal ordinance that prohibited any person from "position[ing]" himself or herself "in such a manner as to obstruct the reasonable movement of vehicular or pedestrian traffic" was not, on its face, unconstitutionally overbroad in violation the First Amendment;
- Ordinance was not, on its face, unconstitutionally vague; and
- Police officers did not invidiously discriminate against protestor based on her speech, in alleged violation of her First Amendment rights, in arresting her for violating a traffic ordinance.

Municipal ordinance that prohibited any person from "position[ing]" himself or herself "in such a manner as to obstruct the reasonable movement of vehicular or pedestrian traffic" was not, on its face, unconstitutionally overbroad in violation the free speech rights of protestor who, upon returning from public march down the same street over which she had previously traveled, refused to obey the directions of police officers who were attempting to clear the street after the conclusion of the march, who had directed her to move from the street to the sidewalk; ordinance was not addressed to speech, but to conduct, and furthered the city's legitimate interest in ensuring the free and orderly flow of traffic on its streets and sidewalks.

Municipal ordinance that prohibited any person from "position[ing]" himself or herself "in such a manner as to obstruct the reasonable movement of vehicular or pedestrian traffic" was not, on its face, unconstitutionally vague in violation the due process rights of protestor who, upon returning from public march down the same street over which she had previously traveled, refused to obey the directions of police officers who were attempting to clear the street, and who had directed her to move from the street to the sidewalk; ordinance used terms that were widely used and well understood, and the mere fact that officers would need to use some degree of judgment in determining whether a person had positioned herself in a manner that obstructed the reasonable flow of traffic did not render the ordinance unconstitutional.

Police officers did not invidiously discriminate against protestor based on her speech, in alleged violation of her First Amendment rights, in arresting her for violating a traffic ordinance that prohibited any person from "position[ing]" himself or herself "in such a manner as to obstruct the reasonable movement of vehicular or pedestrian traffic"; protestor was the only one in group of protestors who, upon returning from public march down the same street that she had previously

traveled, ignored the commands of police officers who were attempting to clear the street by moving from the street to the sidewalk.