

For the International Municipal Lawyer's Association - IMLA's 5 things to know for May 24th

1. In an effort to win one of this year's Darwin awards a young man delivered marijuana to the wrong car on a shopping center parking lot in Ohio. When the rightful owner of the car found a strange object on the seat of her car she called the police and security footage showed what appeared to be a cash transaction with another woman who owned another car she left on the lot while shopping in the store.

https://www.seattletimes.com/nation-world/marijuana-delivery-made-to-wrong-car-ohio-man-arrested/?utm_source=referral&utm_medium=mobile-app&utm_campaign=ios

2. Declaring Superman and Batman historic figures the owner of a comic book shop in Ashtabula has resisted demands that he remove or line curtains over the store's windows. The city contends that the curtains violate the city's aesthetic regulations and cover too much of the window. The city has a harbor district historic code that attempts to preserve the historic aesthetics of the harbor district and the curtains could easily be lined on the side facing the street to conform to the regulations.

http://www.starbeacon.com/news/local_news/city-rules-against-curtains/article_97940b8e-5af6-5f3a-8448-05faf5418818.html

3. The 7th Circuit decided for the 4th time a dispute between a property owner and the City of Joliet. The city has sought since about 2005 to exercise eminent domain over a housing project that has been a blight on the community. First the owner asserted that because it received HUD money it was immune from condemnation, losing that argument it asserted that the condemnation proceedings had to be removed to federal court. In this hopefully final test, the owner asserted that because the condemnation proceedings in federal court were conducted by a bench trial, it had been denied the right to bring certain claims to a jury. The 7th Circuit debunked this claim as well.

<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2018/D05-23/C:17-2865:J:Easterbrook:aut:T:fnOp:N:2160226:S:0>

4. The West Virginia Supreme Court recently concluded that in an action against a police officer involving a collision between a motorist and an emergency vehicle with lights and sirens on that failure to yield to the emergency vehicle cannot estop a claim for damages where the motorist does not see or hear the emergency lights and siren. The court also approved a jury instruction holding the police officer to a higher standard of care than other drivers.

<http://www.courtswv.gov/supreme-court/docs/spring2018/17-0080.pdf>

5. Most of you already know that a federal district judge has concluded that the President's twitter account amounts to a public forum and that as a result the President cannot block users from the account. IMLA has filed amicus briefs in other cases that involve local officials and which challenge this conclusion. The distinction may be in two facts: 1. A government employee handles many of the tweets for the President and

2. The National Archives has determined these tweets to be official records. These issues will no doubt be appealed and litigated in other contexts. Just to mix things up a bit – would a decision by a Senator or Congressman not to include a constituent’s message in the Congressional Record involve similar First Amendment questions where the Senator or Member include some but not other such requests? Other questions abound.

<https://www.politico.com/f/?id=00000163-8e16-dd91-abe7-8f3f5f050001>

<https://feedly.com/i/entry/MCet/2sXfh90MhMeO6q5VM7BwqKg79wTF2o3K9+7yCA= 1638e9685ab:50123d:abeb7260>

We’re already getting ready for our conference in Houston. Have you heard of the Beer Can House? It’s in Houston and you’ll want to be registered for a land use tour that goes there. Remember, it’s a city without zoning. Register now before the rates go up. Get more from IMLA by joining. Not a member? Contact us. Sign up at www.imla.org . Tomorrow we’re closed for an early Memorial Day weekend. Have a great day, a great weekend and make it an inspirational one. Most of all remember those whose sacrifice allow us to live in this wonderful country.