Small Cities' Workshop

Title: Sign Code Shakedown Litigation
Attack on Small Communities

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Sign Code Shakedown Litigation
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I. There is a real threat facing small communities near major highways.

A. Local communities sued by billboard companies and adult entertainment companies.

B. The typical procedure utilized by billboard plaintiffs.

1. Acquire billboard sites.
2. Apply for billboard permits.
3. Scrutinize entire sign code.
4. Sue for constitutional section 1983 violation.

C. Expertise of Plaintiff's counsel.

D. Goal of Quick Hearing on Restraining Order Motion.

E. Offer by Plaintiff to settle.

II. Legal challenges by Plaintiffs.

A. Facial challenge and As Applied challenge.

B. Don't need standing to challenge constitutionality.

C. Unfettered discretion by city officials.

D. Flaws in Sign Code and reactions by local community.

1. Normal problems with free speech signs.
2. Billboard regulations: Off premises commercial signs.

E. Equal Protection and Due Process.

1. Lack of time deadline upon community to issue permit.
2. Prohibition against small group for unfavorable treatment.