

June 27, 2007

[Printer Friendly Version](#)

## **SIGN REGULATION RESTRICTIONS AFFECTING LOCAL GOVERNMENTS**

The Court of Appeals for the Eleventh Circuit has handed down opinions regarding how county and municipal governments (“Local Governments”) may enact and enforce sign ordinances. In light of these recent decisions, certain exemptions to sign ordinances, once thought constitutional, may now be considered content-based regulations, and held to unconstitutionally infringe on free speech.



- Because of these decisions, many Georgia Local Government sign ordinances are susceptible to constitutional challenge.
- Specifically, a sign ordinance which permits exemptions based upon the owner or the particular purpose of the sign may be subject to strict constitutional scrutiny. This means that local sign ordinances that require permits for some signs, but not for other signs, based upon the use or user of the sign, are subject to constitutional challenge.
- Furthermore, a sign ordinance that does not contain a reasonable time limit within which to make a decision regarding a permit application is also subject to constitutional challenge as a prior restraint on free speech.

If Powell Goldstein may be of assistance to your Local Government with the changes in sign regulation compliance, please contact one of the following attorneys specializing in Local Government law.

Atlanta ■ Washington ■ Dallas

One Atlantic Center  
Fourteenth Floor  
1201 West Peachtree Street, NE  
Atlanta GA 30309  
Tel: 404.572.6600

Third Floor  
901 New York Avenue, NW  
Washington DC 20001  
Tel: 202.347.0066

JP Morgan Chase Tower  
2200 Ross Avenue, Suite 3300  
Dallas TX 75201  
Tel: 214.721.8000

**For information on topics covered in this alert, please contact:**

<b>David P. Winkle</b>	404.572.6949	<a href="mailto:dwinkle@pogolaw.com">dwinkle@pogolaw.com</a>
<b>R. Ross Burris</b>	404.572.6963	<a href="mailto:rburris@pogolaw.com">rburris@pogolaw.com</a>
<b>Jonathan M. Kendall</b>	404.572.6977	<a href="mailto:jkendall@pogolaw.com">jkendall@pogolaw.com</a>
<b>Adam M. Walters</b>	404.572.6953	<a href="mailto:awalters@pogolaw.com">awalters@pogolaw.com</a>

[www.pogolaw.com](http://www.pogolaw.com)