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## **U.S. Appeals Court Upholds City Sign Regulations**

*City Attorney defeats effort to use downtown building walls for off-premises advertising*

In an important victory in San Diego's fight against visual pollution, a federal appeals court has upheld the constitutionality of City sign regulations that prohibit off-premises commercial messages, City Attorney Mara W. Elliott announced today.

The case concerned the illegal activities of an outdoor sign painting company, ArchitectureArt, LLC, which, beginning in 2010, leased exterior wall surfaces of buildings in San Diego's commercial zones and then solicited advertisers who paid ArchitectureArt to paint advertisements on those walls.

The scheme violated a City ordinance that requires such signs to advertise only goods or services located on the premises where the sign appears. Advertisers like Heineken, Alaska Airlines, Jack Daniels, Newcastle Beer, and Nike paid ArchitectureArt to paint the illegal signage.

Ten of ArchitectureArt's illegal signs were cited by the City, including ads for beer brands Shock Top, Blue Moon, and Michelob Light and an ad with an enormous gory eyeball promoting a horror television show.

ArchitectureArt sued, claiming the City had discriminated against it, violated its free speech, due process, and equal protection rights, and improperly delegated its ministerial powers over signage to Civic San Diego, a non-profit 501(c)(3) corporation. The U.S. Court of Appeals for the Ninth Circuit found no merit to any of those claims.

**“Our sign regulations protect us from visual pollution that detracts from the beauty of our region,”** City Attorney Mara W. Elliott said. **“This verdict is a strong rebuke to anyone who hopes to get rich by illegally transforming our downtown architecture into a canvas for corporate advertisers.”**

The case was argued for the City by Senior Chief Deputy City Attorney Catherine A. Richardson.

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