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Question

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Can you find a state where LED signs in vehicles are permitted, parked or otherwise? See product below:

http://www.amazon.com/Roadmaster-Scrolling-Digital-Message-System/dp/B000NDESXE/ref=cm_cr_pr_product_top

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Accepted Answer

Hello,

I found a website that refers to a lawyer that specializes in the law regarding signage. Here are some excerpts from the site http://www.signlaw.com/:

CHANGEABLE IMAGE / ELECTRONIC / LED / DIGITAL DISPLAY SIGNS

Can (or should) a city ban or limit signs with changeable images or digital display faces? This question currently is being debated at all levels of government, nationwide, especially in the context of whether there is, or should be, a right under state law to convert an existing legal sign to digital display, or whether that decision should be left to local governments.

Electronic Message Centers. Jewelry store challenged city law banning all Electronic Messaging Centers ("EMCs") - those that display electronically changeable messages and allow illuminated text that can change frequently, by scrolling or flashing. Held: The complete ban on EMCs meets all the tests for a time, place and manner rule: it is content neutral, narrowly tailored to serve significant gov't interests and leaves open ample alternatives. The ban on EMCs is constitutional. Naser Jewelers v. Concord NH, 513 F3d 27 (1st Cir No 07-2098, Jan 18, 2008).

Similar case, same city: Car dealer, also in Concord NH, was denied permit to erect an electronic changeable copy sign on its property to replace an existing manually changeable sign. Held: The City need not provide detailed proof that the regulation advances its purported interests of safety and aesthetics, . . . the trial court erred in substituting its judgment for that of the City's that prohibiting animated, flashing signs containing commercial advertising will 'enhance the appearance and aesthetic environment of the City' and 'improve traffic safety.' City's ban on moving image signs is valid. Carlson's Chrysler v. City of Concord, 938 A2d 69 (NH SC No 2006-362, Nov 8, 2007).

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Oscillating searchlights. Car dealer used portable searchlights to draw attention to location for special sales and events. When the search lights oscillated, they fell within the definition of "sign" and were banned as "rotating, or oscillating signs." PA Commonwealth Court: There was no error in finding that these oscillating searchlights constituted prohibited signs. *Sutliff v. Silver Spring Tp Zoning Hearing Bd.*, 933 A2d 1079 (PA Commonwealth Ct No 490 CD 2007, Oct 2, 2007).

LED conversion: Billboard operator sought permit to convert existing, legal billboard to LED display, without changing the superstructure of the signs. City said signco's application was incomplete and requested more information. 123 days later signco claimed the permit was "deemed approved" because the city had not taken formal action in the time required by state law. Held: The state law applies to residences and other structures that relate to them. A billboard is not an accessory structure to a dwelling unit. Conversion to LED display is not a right of modernization. City could demand CUP and site plan approval. *Lamar Adv v. Zoning Hearing Bd of Monroeville*, 939 A2d 994 (PA Commonwealth Ct., No 1117 CD 2007, Dec 17, 2007, reargument denied Feb 13, 2008).

LED conversion (case 2): Georgia state law states that signs using "nonmechanical electronic multiple message signs" are permissible under certain circumstances. City denied signco's application to convert existing sign to LED display, as violating city law prohibiting "flashing, or blinking signs or signs using varying light intensity . . ." Held: City law grants the planning dept total control over whether to require a permit, and leaves no guidance for this discretion; this creates the possibility of content-based discrimination. The city's sign code is an unconstitutional prior restraint on free speech. Signco is entitled to nominal damages, and the chance to prove it suffered actual damages for deprivation of its rights. *Lamar v. Marietta GA*, ___ FS2d ___, 2008 WL 696683 (USDC ND GA, No 1:07-cv-00764, Feb 25, 2008).

Conversion to electronic display: Owner of legal, non-conforming billboard converted display face to electronic message board; city ordered it removed based on a law forbidding structural alteration or enlargement of legal non-conformity. Signco's structural engineer said that addition of the electronic message board did "not increase the force in any structural element by more than [five percent]" and was not, therefore, "structural" as defined by the International Building Code. Held: the electronic message board added between 3,000 and 3,500 pounds to the weight of the billboard. While it did not increase the height, length, or the square footage of its advertising surface area, it did increase the depth. The addition of the message board "enlarged" the billboard in both dimension and weight, and was thus illegal. The illegality could not be cured by returning to the original display face. *Adams Outdoor v. Bd Zoning Appeals, Virginia Beach*, 645 SE2d 271 (VA SC No 061272, June 8, 2007).

Furniture store's challenge to rule prohibiting electronic signs was mooted by city's enactment of modified ordinance, *Chapin Furniture Outlet v. Chapin*, 252 FedAppx 566 , 2007 WL XXXXXX (4th Cir No 06-2129, Oct 30, 2007; not officially reported).

Electronic sign for church: City denied church's application for variance to rebuild existing sign, increasing size (by ten times the normal rule) and height (four times), and adding electronically changeable copy. Church challenged the denial on the basis of the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). Held: The Church has not been denied any use of a sign as a means of evangelism, but only the non-conforming use of a sign that cannot be as large and eye-catching as the church might desire. Denial of its variance burdens the Church's religious exercise, but not enough to to make any use of a sign for uplift and recruitment "effectively impracticable" or to compel the congregants to "violate [their religious] beliefs." The standard for an RLUIPA violation is not met; there was no error in denying the variance. *Trinity Assembly of God v. People's Counsel for Baltimore County*, 178 MdApp 232, 941 A2d 560 (MD App No 2840, Feb 6, 2008).

Rotating display panels. Signco operates large vans with billboards on both sides and rear; triangular panels rotate every 8 seconds. County cited signco for violating rule against signs with movement or motion. Held: The charging sections ban moveable image signs but make exception for time and temperature and barber poles; thus the sign ordinance is content based. Because signco is likely to prevail in the case, the county is preliminarily enjoined from enforcing these provisions. *Bonita Media v. Collier County (FL) Code Enforcement*, 2008 WL 423449 (USDC MD FL No 2:07-cv-411, (Feb 13, 2008).) [Compare with next case, *Desert Outdoor v. Oakland*.]

Flashing Signs. Owner of legal but nonconforming billboard challenged City's denial of permits to add "electronic flashing display" to the sign. **Held:** City law prohibits structural changes to non-conforming signs, unless the sign is first brought into compliance with current law. Given the sign's location in a large vacant lot, that is not possible. A sign change is "structural" if the alteration modifies the size, shape or height of a sign structure or requires replacement of sign material with other non-comparable materials. The rule prohibiting structural change is content neutral and sufficiently justified. *Meredith v. Lincoln City OR*, 2008 WL XXXXXXX (D OR Civ No. 03-6385-AA, 9/25/2008).

Similar cases: *Naser Jewelers v. Concord NH*, 538 F.3d 17 (1st Cir. No. 07-2098, 8/12/2008) – complete ban on electronic message centers (EMCs) which made no exceptions, was valid. (Earlier holding in same case: 513 F.3d 27, 1/18/2008); *Marras v. Livonia, Mich.*, ___ F.Supp.2d ___, 2008 WL XXXXXXX (ED Mich. No. 07-12562, 8/15/2008) (ban on flashing, moving, and portable signs was legitimate and constitutional) (earlier decision on equal protection: 2008 WL XXXXXXX).

You may want to contact the lawyer referenced at this site. It is not cost feasible for me to continue to research but I hope that I have assisted you somewhat. Please click accept so that the site releases payment to me for my time.

Best wishes.

Thank you,
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