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APPEALS COURT RULING AGAIN AFFIRMS LAKE OSWEGO SIGN CODE

LAKE OSWEGO – Twice the constitutionality of the City of Lake Oswego’s sign code has been contested in federal courts and twice judges have issued decisions affirming that the Code is constitutional.

On January 26, the United States Court of Appeals for the Ninth Circuit issued a decision in the lawsuit filed by G.K. Travel Ltd., Ramsay Signs, Inc. and Kathleen Kusudo against the City of Lake Oswego, and the three-judge panel unanimously ruled for the City on all counts.

The 34-page long opinion affirms the constitutionality of the City’s regulation of pole signs, and the code in its entirety. It found that the portions of the City Code addressing signs are content-neutral, administered fairly, and do not unduly restrict freedom of speech.

Following a series of warnings, G.K. Travel was cited by the City two years ago for maintaining a pole sign in violation of the Code. A resultant lawsuit brought against the City contested not only the pole sign prohibition but also challenged the entire Lake Oswego sign code on constitutional grounds. In 2004, the U.S. District Court granted the City’s Motion for Summary Judgment, ruling that the Code was constitutional. The plaintiffs then appealed that ruling to the Ninth Circuit Court of Appeals, which resulted in this most recent ruling.

Most pole signs in Lake Oswego were voluntarily replaced with ground-level pedestal or monument-style signs. The contested pole sign at the G.K. Travel site has since been removed.