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U.S. SUPREME COURT DENIES SIGN CODE CHALLENGE

LAKE OSWEGO – A U.S. Supreme Court decision not to hear a long standing challenge to the constitutionality of the City of Lake Oswego’s sign code concludes four years of litigation in federal courts. On October 2, the Supreme Court denied the plaintiffs’ petition for a writ of certiorari, or petition to hear an appeal, in the case of GK Travel and Ramsay Signs, et al vs. the City of Lake Oswego.

When the City notified GK Travel, a local travel agency, of the requirement to remove the pole sign on its premises in 2001, the business requested a variance. The City’s sign code forbids pole signs except where necessary to provide vision clearance at driveways, or where there is no alternative, visible on-building or monument sign location. The City Council later upheld the Development Review Commission’s denial of GK Travel’s request for a variance.

In August of 2002, GK Travel and Ramsay Signs, Inc., a Portland sign company, sued the City in the U.S. District Court, seeking a judgment declaring that the Sign Code is unconstitutional and asking for money damages for the “taking” of the pole sign, plus attorney fees and court costs. The federal lawsuit challenged not only the pole sign prohibition, but also the entire Sign Code, alleging that it impermissibly restricted speech in violation GK Travel’s First Amendment rights.

In March of 2004, the District Court ruled that, with four minor exceptions, which were promptly corrected in the code, the sign code is constitutional. The plaintiffs appealed this ruling to the U.S. Circuit Court of Appeals for the Ninth Circuit. In January of 2006, the Court of Appeals issued its decision upholding the ruling of the District Court. The plaintiffs then unsuccessfully petitioned the Court of Appeals to rehear the case.

In June of 2006, the Plaintiffs filed an appeal to the U.S. Supreme Court. Official notice is pending, but U.S. Supreme Court records show that this petition was denied. Because the court will not hear the appeal, the lawsuit has reached an end.

“The sign code has been upheld at multiple levels of the federal court system, affirming the constitutionality of the city’s regulations,” said City Attorney David Powell. “We are pleased to have this matter finally resolved.”