

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 23, 2010

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 10-0524 – Campaign Signs in Residential Areas –
Repeal of Maximum Size Restriction

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 10-0524 for form and legal sufficiency. The bill would repeal the existing sixteen square foot maximum size for campaign signs in residential areas.

Currently, the case of *Kolbe v. Baltimore County*, CCB-10-1349 (D. Md. 2010), challenges whether maximum size restrictions for residential campaign signs are permissible under the First Amendment. Durational limits on residential campaign signs have been struck down by courts for not being narrowly tailored to address governments' concerns over aesthetics. *See, e.g., Bell v. Baltimore County*, 550 F.Supp. 2d 590, 592 (D. Md. 2008). Although the Federal court has yet to rule in the *Kolbe* case, its recent decisions indicate that it may apply similar reasoning to strike down residential campaign sign size restrictions.

Considering the state of the law in this area, the Law Department believes that approval of this bill is necessary to preserve the constitutionality of the current code provisions. The Law Department, therefore, approves City Council Bill 10-0524 for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Assistant Solicitor



cc: Honorable Councilmember Belinda Conaway, 7th District
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Ashlea Brown, Special Assistant Solicitor
Terese Brown, Assistant Solicitor