

Ohio: Judge suspends Cincinnati billboard “tax”



David M. Kall | Thursday, October 25, 2018

On Oct. 17, 2018, Hamilton County Common Pleas Court Judge Curt Hartman granted a preliminary injunction to advertisers challenging new charges on billboard advertising in Cincinnati, Ohio. The Cincinnati City Council adopted the measure, which is expected to raise \$700,000 in revenue, in June as part of its 2019 balanced budget.

Per Cincinnati.com, the billboard fee, or “tax” as its opponents have referred to it, would do the following:

- Increase the fee to obtain outdoor advertising from \$70 to \$280;
- Require a "certificate of compliance" which costs \$115.44; and
- Require annual permits for billboards, rather than requiring such permits every other year.

Two billboard advertisers, Norton Outdoor Advertising and Lamar Advertising, brought suit against the city over the increased charges in July 2018 soon after the Cincinnati City Council approved them. Among other things, the advertisers argue that the charges unlawfully constrain the exercise of First Amendment rights including the right to free speech.

Last week, Judge Hartman granted a preliminary injunction that halts the measure while the case proceeds through the courts. According to Judge Hartman, “The court finds that a substantial showing has been made that [the charges are] a direct tax on the means of engaging in speech," "The tax is effectively no different than a tax specifically targeted to being imposed on newsprint or a printing press used to produce newspapers. As such, the court finds a sufficient First Amendment interest has been implicated and likely violated."

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We are following the story as it works its way through the court system towards a final resolution.



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