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New Jersey Supreme Court Reverses Ban On Electronic Billboards

Katharine Coffey and Christopher John Stracco wrote an article entitled "New Jersey Supreme Court Reverses Ban On Electronic Billboards," which was published in the *New Jersey Builders Association's Dimensions Magazine.* In the article, the authors discuss a recent decision made by the New Jersey Supreme Court in which the Court reversed a decision made by the Franklin Township Zoning Board of Adjustment to prohibit the placement of electronic billboards along Interstate 287 in the Township. The Court made the decision after the Appellate Division had reversed the Law Division's decision to remove the ban on the billboards. According to the authors, the Court reversed the Appellate Division despite the Appellate Division's finding that the ban was constitutional because, "the government has a legitimate, even substantial, interest in preserving the aesthetics of its community and in promoting traffic safety," and that the Township was rational in deciding to ban the use of electronic billboards. The Court reversed this decision, the authors state, because they found that there was no significant aesthetic or safety concerns posed by electronic billboards, and the numbers presented by the Township were not reason enough for the ban. The authors point out in the article that this case harbored free speech issues due to the Township government essentially restricting speech by prohibiting these billboards on the grounds of "significant government interest" alone, with "scant factual evidence" backing it up.

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