

**QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V**

The City of South Pointe is an affluent community located on Lake Michigan. At one time, every home in South Pointe was valued in excess of \$1,000,000. Traditionally, South Pointe homes were sold by word of mouth. A property owner would inform neighbors of the intent to sell and several prospective buyers would submit offers. For many years, this marketing method produced rapid and lucrative sales. "For Sale" signs, although not precluded by ordinance, were never posted in front of the homes and were considered socially unacceptable.

When the economy soured, many residents lost their homes to foreclosure. Banks that owned the foreclosed properties began posting "For Sale" signs in front of the homes. Property sales slowed to a 20-year low. Home values dropped by 30 percent in 2008. The sight of all the "For Sale" signs caused concern for many residents. Residents, worried about the value of their homes, put their homes up for sale. Virtually every home offered for sale displayed a "For Sale" sign on the front lawn. Many residents believed that the use of "For Sale" signs contributed to falling property values. Home values continued to drop in 2009.

Fearful that the declining property values will adversely impact the City tax base and would further cause existing residents to leave their community, on October 1, 2009, the South Pointe City Council enacted the following Sign Ordinance:

"It shall be unlawful for a homeowner to post in front of his or her home any sign that indicates the home is for sale. Persons who violate this ordinance shall be fined \$1000. This ordinance shall take effect on December 1, 2009."

On December 15, 2009, Jack Jones decided to sell his home. He posted a "For Sale" sign on his front lawn and was issued a citation for violating the Sign Ordinance.

**What is the best argument Jack can advance to contest the citation and ordinance? Explain your answer.**

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