

Judge blocks yard-sign limits

City looks for ways to salvage ordinance

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A federal judge struck down a Warren ordinance regulating election placards and other yard signs, ruling Wednesday that the law unduly restricted home owners' rights to political speech.

The move prompted city officials to discuss **Warren** ways the ordinance may be salvaged.

U.S. District Judge Anna Diggs Taylor sided with opponents of the ordinance, who argued that it treated political signs differently from nonpolitical ones.

"We are hopeful that Warren will

go back to the drawing board and consider a more carefully drafted ordinance that respects the rights of Warren citizens to freely express themselves," said American Civil Liberties Union attorney Michael Haddad. He successfully argued the case on behalf of eight plaintiffs, including several former City Council candidates and a current councilman.

"This is a victory for free speech," said Paul Denenfeld, legal director of the ACLU's Michigan chapter. "Yard signs are the most common way for people to express themselves during an election."

The ordinance attempted to regulate lawn signs by limiting the size, number of signs per lawn and the

number of days they can be displayed. The ordinance said signs could not be displayed earlier than 45 days before an election. Each candidate was also limited to one sign per yard.

If charged, violators could have faced up to 90 days in jail and up to a \$500 fine.

Lawn signs are cheaper than advertising in newspapers, radio and television, Denenfeld noted.

Wednesday's ruling could end long-standing riffs caused by the ordinance — or could extend the issue if it's appealed. City leaders also could impose sweeping restrictions on all lawn signs, including signs that advertise real estate and garage sales.

"I feel exonerated, as I'm sure my supporters do from being harassed by

Please see SIGNS, Page 6B

SIGNS, from Page 1B

Mayor Bonkowski's administration," said Ron Robinson, a plaintiff and council candidate in last year's election who faced 47 citations. Ronald Bonkowski did not run again in 1995.

One thing is sure: The ball is now in the city's court.

"We're going to see if it's necessary to change the ordinance to make it more palatable to the judge or if we're going to appeal the decision," said Matthew Seward, who represented the city during oral arguments held Wednesday.

"I do not agree with her opinion. I think it's unfortunate she has misunderstood the reasonableness of the city ordinance," Seward said.

"I think we should have some reasonable control of how long the signs stay up so they don't become eyesores or a distraction to traffic," said Jim Fouts, who presides over the City Council.

Fouts, though, was unsure what the city's next move would be.

A closed session will have to be convened to discuss how to respond to Wednesday's move, Fouts said.

Judge Taylor issued her opinion from the bench after hearing argu-

ments from both sides and will issue a formal, written opinion, possibly in the next few days.

"If the judge said the ordinance is unconstitutional, then it's unconstitutional," said Fouts. "I don't think it's in the city's best interest to be fighting a losing battle."

Among the victors is Councilman George Dimas, the current council secretary. He joined seven others, most former Warren office seekers, in the lawsuit originally filed one year ago.

Some say the sign ordinance sought to deny political candidates, particularly those challenging incumbents, the means to adequately advertise their candidacies.

The row began when the City Council reduced the window from 45 days to 15 days. The council changed it back to 45 days last summer when opponents filed their lawsuit.

In March, the City Council passed a comprehensive ordinance regulating all lawn signs, but kept the restrictions on election-related placards.

"It didn't allow any contenders to put up signs in time for absentee ballots. . . . It begrudged us the freedom of speech," said Joan Greif, one of

the plaintiffs in the suit, who unsuccessfully ran for a City Council seat last year.

The ordinance denied the 41 non-incumbents running for a council seat the name recognition needed in local political contests, she said.

"You've got nine council members who have been sitting up there for awhile, and then you have 41 contenders," Greif said.

"This ordinance kept all but the nine out of the limelight, who already had the opportunity to be seen and heard because they're in the paper all the time."

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PAUL DENENFELD,
ACLU chapter official