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Windsor Heights Agrees to Revise Sign Ordinance And Train Staff After ACLU Takes Action on Behalf of Residents

Windsor Heights, Iowa — The City of Windsor Heights has agreed to amend its contentious sign regulation ordinance that resulted in one local couple being threatened with fines of up to \$1,000 a day and another family having their sign torn down by the city. Both had posted signs critical of city government.

The American Civil Liberties Union of Iowa's clients — couples Diane Foss and Mike Miller and Marijetka and Jamie Orr, both of Windsor Heights — have reached resolution in their challenge to the City of Windsor Heights' actions to enforce the City's sign ordinance.

The resolution consists of:

- 1) The city has agreed to rescind not only the original notices of violation, but also "superseding" notices of violation that it initially sent out to replace them.
- 2) The city will work to amend its sign regulation ordinance to comply with an important free speech 2015 U.S. Supreme Court case, *Reed v. Town of Gilbert*, which requires that regulations of signs be reasonable, and content neutral to survive First Amendment scrutiny.

The ACLU of Iowa will assist the City of Windsor Heights in drafting language that complies with the Constitution. Given the required notices and meeting schedules, we anticipate an adoption date no later than January 30, 2018.

- 3) The city has agreed to conduct training of its staff regarding how to protect residents' constitutional due process and privacy protections when it enforces the city's nuisance abatement procedures in the future.

Homeowner Jamie Orr said that he and his wife, Marijetka, "are just happy to have a resolution to this situation that we never dreamed would stir up as much controversy as it did."

Homeowners Mike and Diane Foss in a statement said, "Our original intent in putting up our sign was to protest the city's heavy-handed behavior, both in regard to the sidewalk debacle, and in violating our neighbor's rights when the City forcibly confiscated their sign."

"Ironically, the city proved the truth of our sign, 'City Hall Run Amok,' when they threatened to fine us \$1,000 per day, while ignoring all other signs in the City which were as large or larger

than ours," the couple said. "We'd like to thank the ACLU for standing up for our rights, and helping to safeguard those rights for others in the future."

If resolution wasn't reached, the ACLU was prepared to file a lawsuit. Rita Bettis, ACLU of Iowa legal director said, "Given the importance of the issue to the ways ordinary Iowans express their core political speech, the potential to use the case as a way to educate cities across the state about the First Amendment, and the relative recency of the Supreme Court case, the ACLU was prepared to litigate the case if necessary."

"This is an excellent outcome for everyone. Our clients did something important, and not easy, to stand up to local government overreach to protect their own and others' speech rights and due process rights. It's been an honor for us to work with them on this. We commend the City for working with us to resolve this matter in a manner that shows a sincere interest in protecting the free speech rights of its residents," Bettis said. "Our hope is that other municipalities in Iowa will examine their sign ordinances in light of the *Reed* case and make necessary changes to ensure that they are acting to protect the constitutional free speech rights of their residents as well."

Photos of the signs, a short video of Mike Foss, the initial demand letter and other resources are available at:

<https://drive.google.com/drive/folders/0B5kehbsBXajnSIFaZE9fT1JXS28>

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