

# Sign ordinance amended

By Melissa Walsh  
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**GROSSE POINTE FARMS** — Responding to First Amendment concerns of Farms residents, city attorney William Burgess submitted an amendment to Ordinance No. 193 “An Ordinance to Regulate Signs” during the Farms City Council

meeting Monday, Dec. 4. City council unanimously approved the amendment.

Farms resident Tina Agnello and several other residents expressed opposition to the ordinance’s regulation of “Signs in Residential and in Community Service

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and Recreation Districts” during the Sept. 11, city council meeting, charging the ordinance was not content-neutral nor enforced equally, denying them First Amendment-protected free speech.

When Agnello received notification from the city last summer to remove the “Black Lives Matter” and “Welcome Neighbors” signs from her lawn, she consulted attorney Michael Steinberg, legal director for the ACLU of Michigan, who represented plaintiffs in similar complaints against Grosse Pointe Woods in 2004 and Troy in 2005.

“The U.S. Supreme Court has been clear that homeowners have the right to express themselves on their own property,” Steinberg said. “And political signs contain the most vigorous protection.”

The amended changes to the ordinance fall into three areas: the duration of signs, the regulation of “announcement” signs and the location of signs. Existing content-neutral, aesthetic and safety regulations, such as size and illumination restrictions, remain.

Though Burgess did not specifically identify the Woods and Troy cases during the Nov 15 and

Dec. 4 meetings, both cases successfully challenged the duration constraint of political signs prior to an election. As a result, paragraph (2)(c) of the amendment does not limit the start date for posting a temporary political election sign, but retains the requirement to remove the sign within five days following an election. The content-neutral removal requirement is the same for temporary commercial signs, such as real estate and contractor signs.

During public comment during the Nov. 15 meeting, Agnello urged city council to consider issues related to differentiating “announcement” signs from “political” signs. Political speech signs prompting this issue, Agnello explained, — “Black Lives Matter,” “Welcome Neighbors” and “Make America Great Again” — are political announcement signs.

“To make the distinction that some is political speech and campaign-related and some is announcement-related is tricky,” she said.

Burgess said the amendment applies a broad definition of “announcement” as, “those signs that pertain to literally anything else” other than commercial speech.

Paragraph (2)(e) of the amendment addresses

announcement signs while removing the term “announcement,” stating, “additional signage that, in each instance is non-duplicative with other signs on the premises ...,” including a wide range of non-commercial messaging, including graduation announcements and political statements.

Steinberg said sign ordinance issues “have turned the First Amendment on its head.

“If the purpose is to have an aesthetically pleasing neighborhood, homeowners usually take care of that themselves,” he said. “If the purpose of the restriction is to suppress free speech, then that’s the issue. It has to be a reasonable restriction on free speech.”

A “reasonable restriction,” he said must be “content-neutral” and “narrowly tailored,” such as regulating sign size, illumination and placement.

Paragraph (2)(f) of the amendment restricts sign placement, limiting posting a lawn sign no closer than three feet from a sidewalk or other public walkway, unless approved by the director of public safety.

During the Nov. 15 meeting, Agnello commended city administrators and the city attorney as “extremely responsive.

“It restores my faith in municipal government,” she said.