



Kate Bedinghaus, Law Director
City of St. Bernard
110 Washington Ave.
St. Bernard, Ohio 45217

October 1, 2009 - Sent via U.S. Mail

Dear Ms. Bedinghaus:

It has been brought to the attention of the American Civil Liberties Union of Ohio Foundation that the City of St. Bernard is enforcing its sign ordinance in a manner that both inconsistent with the language of the ordinance and in violation of residents' constitutional rights.

Under Section 1185.002 of the St. Bernard Codified Ordinances, a permit must be obtained in order to install or erect any sign. However, the definition of "sign" within section 1185.001(a), states that it does not include "any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event."

The ACLU has received a complaint that Zoning/Planning Director, Gerry Wiedmann informed a local resident that school board election campaign signs require a permit before the signs can be posted. We are troubled by this information because it seems to be in direct conflict with the City of St. Bernard's ordinance referenced above. A school board election sign is part of a political/educational campaign; thus, the sign fits within the exception in section 1185.001(a).

Moreover, the policy Mr. Wiedmann is attempting to enforce is in conflict with decisions made by the United States Supreme Court. According to the Court, "a state may not impose a charge for the enjoyment of a right granted by the federal constitution." *Murdock v. Com. of Pennsylvania*, 319 U.S. 105 at 112 (1943). Furthermore, the Court has stated that "[r]esidential signs are an unusually cheap . . . form of communication. Especially for persons of modest means . . . a yard or window sign may have no practical substitute." *City of Ladue v. Gilleo*, 512 U.S. 43 at 57 (1994).

The ACLU of Ohio is encouraged that the City of St. Bernard's sign ordinance allows residents to exercise their free speech rights under the Ohio and United States Constitutions by displaying political signs. However, we urge you to ensure city officials correctly enforce the City's ordinance. The ACLU of Ohio

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requests that all city officials are informed of the right of residents to post political and educational campaign signs without a permit.

Please feel free to call me if you have any questions in this matter.

Sincerely,

Carrie L. Davis
Staff Counsel
Phone: 216-472-2220

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