

FILED
05-16-2024
Clerk of Circuit Court
Winnebago County, WI
2023CV000258

DATE SIGNED: May 16, 2024

Electronically signed by Hon. Daniel J. Bissett
Circuit Court Judge

STATE OF WISCONSIN CIRCUIT COURT WINNEBAGO COUNTY

GAIL MINKS, MARGARET MINKS,
GARY NOVAK, and KIM NOVAK,

Plaintiffs,

Case No. 23-CV-258

v.

CITY OF NEENAH,

Defendant.

**ORDER AND JUDGMENT GRANTING PLAINTIFFS’
MOTION FOR SUMMARY JUDGMENT**

This matter came before the Court on May 13, 2024, for an oral ruling on the Plaintiffs’ motion for summary judgment. The Plaintiffs appeared by attorney Scott E. Rosenow, and the Defendant appeared by attorney Ryan J. Truesdale.

Based on the pleadings, briefing, and the record in this case, and for the reasons stated on the record:

It is hereby ORDERED that the Plaintiffs’ motion for summary judgment is granted.

The Court hereby DECLARES that Chapter 24 of the Code of Ordinances of the City of Neenah, titled “SIGNS,” violates the First and Fourteenth Amendments to the United States Constitution in the following respects:

- Section 24-107(9) of the ordinance, titled “Advertising vehicle sign,” is unconstitutional because it is not narrowly tailored to advancing the City of Neenah’s interests.
- Section 24-107(2) of the ordinance, which prohibits “Off-premises signs,” is unconstitutional because it is not narrowly tailored to advancing the City of Neenah’s interests.
- Sections 24-182(5) and 24-183(5) of the ordinance, titled “Portable Yard Signs,” are unconstitutional to the extent they limit the number of allowable portable yard signs because this limit is not narrowly tailored to advancing the City of Neenah’s interests.
- Sections 24-182(5) and 24-183(5) of the ordinance, titled “Portable Yard Signs,” are unconstitutional to the extent they impose a duration limit on portable yard signs because this limit is not narrowly tailored to advancing the City of Neenah’s interests.
- The ordinance’s permitting requirement is unconstitutional because it is impermissibly vague; it provides unbridled discretion to City of Neenah officials; and it does not contain narrow, objective, and definite standards for determining whether a permit is required.

The City of Neenah is permanently enjoined from enforcing those unconstitutional ordinance provisions.

Judgment is hereby entered for the Plaintiffs.

This is a final order for purposes of appeal.