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February 25, 2025

VIA ELECTRONIC MAIL ONLY TO: inspector@vi.slinger.wi.gov

Jeremy Pfeifer, Building Inspector
Village of Slinger
300 Slinger Road
Slinger, Wisconsin 53086

RE: Unconstitutional Sign Code

Dear Mr. Pfeifer:

The Wisconsin Institute for Law & Liberty (WILL) is a nonprofit, public interest law firm dedicated to advancing the rule of law and protecting constitutional rights. It has come to our attention that the Village of Slinger is relying on unconstitutional ordinances to prevent Village residents from displaying signs and/or flags containing political messages. Such activity violates the First Amendment.

The United States Supreme Court has recognized that “signs are a form of expression protected by the Free Speech Clause.” *City of Ladue v. Gilleo*, 512 U.S. 43, 48 (1994). And in *Reed v. Town of Gilbert*—the most recent U.S. Supreme Court decision directly on point—the Court held that ordinances “target[ing] speech based on its communicative content [] are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” 576 U.S. 155, 163 (2015) (citing *R.A.V. v. St. Paul*, 505 U.S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of the N.Y. State Crime Victims Bd.*, 502 U.S. 105 (1991)).

The Village of Slinger does not have a compelling interest in the differential treatment of political signs, but this has not stopped it from attempting to enforce its unconstitutional ordinances against Village residents. We have been retained by Mr. Dwight Mueller to represent him in this matter and are submitting this letter in response to the Village’s unconstitutional attempt to regulate political speech.

On February 12, 2025, the Village sent a letter to Mr. Mueller regarding a flag that he was displaying on his private property. This letter states that “flags displaying political messages or content are in violation” of Village Ordinances §§ 550-57A(7), (10) and B(1).¹

Each of the ordinances that Mr. Mueller’s flag purportedly violates is found in Section 550-57 of the Village Ordinances, which addresses signage that can be displayed without a permit.² Upon review of that section, it is clear the Village has made unconstitutional value judgments about political signage *and* various other signage *according to its content*. See *Reed*, 576 U.S. at 163 (“Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.”).

In terms of political signage, Village Ordinance § 550-57A(7) states that residents may display certain flags including the United States flag, the Wisconsin State flag, and certain military flags because they “provide for the observance of the applicable institutions of our participatory democracy.” Village Ordinance § 550-57B(1) says that “all properties in the Village shall be permitted up to one additional temporary sign (i.e., a political message sign) display” during the “election campaign period” defined in Wis. Stat. § 12.04, plus an additional four days. And Village Ordinance § 550-57A(10) says that the “maximum time limit for such temporary signs to be displayed in residentially zoned or used properties ... shall not exceed seven consecutive or 30 cumulative days in a one-year period.” Accordingly, the Village has made unconstitutional value judgments regarding political signs, and its enforcement of those value judgments *necessarily* requires it to consider the content of the political signage it seeks to regulate.

In addition, other provisions of Section 550-57, similarly differentiate between signage (and regulate it differently) according to its content. Such signs include “memorial signs or tablets,” “traffic signs,” and “legal notices.” See *generally* Village Ordinance § 550-57A. We also note that the Village has exempted *itself* from time limits or permit restrictions on “public informational bulletin boards,” as well as any “[s]pecial decorative ‘Village of Slinger’ and/or directional or promotional displays or signs” that are “owned, installed and maintained by the Village.” See § 550-57A(2),(8).

Again, the U.S. Supreme Court held in *Reed* held that a sign ordinance must be content neutral to be legally enforceable. And here, the Village’s attempt to regulate political signs and/or flags cannot be “justified without reference to the content of the speech” so it is “presumptively unconstitutional.” *Reed*, 576 U.S. at 167, 163 (citations omitted). Indeed, a message addressed to Village residents from the Village President on February 21, 2025, explicitly states that enforcement is

¹ See *also* Village of Slinger Ordinances §§ 550-57A(7), (10) and B(1), available [here](#).

² A link to the Village of Slinger’s ordinances is available [here](#).

“complaint-driven only,” confirming the blatantly unconstitutional nature of the Village’s attempt to regulate political speech by selectively enforcing its ordinances according to signs’ communicative content.³

For the foregoing reasons, Village Ordinances §§ 550-57A(7), (10), and B(1), as well as any other ordinance(s) purporting to authorize the content-based regulation of political messages, are unconstitutional. We therefore demand that the Village immediately withdraw any and all “Sign code violation” letters and, within the next five days, provide written assurance that these ordinances will not be enforced. If we do not receive such confirmation, you may face legal action. In such a lawsuit, attorney fees and punitive damages could be awarded against the Village.

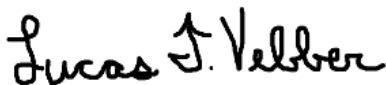
Request for Public Records:

The “Sign code violation” letter Mr. Mueller received states that the “Village has received a complaint concerning election/campaign signs still being displayed at [the] property.” We therefore request that the Village produce any records related to said complaint pursuant to Wisconsin’s Public Records Law, Wis. Stat. § 19.31 et seq.

It is also our understanding that similar “Sign code violation” letters have been sent to other Village residents.⁴ Accordingly, we also hereby request copies of any such “Sign code violation” letters that have been issued from November 6, 2024, to the present.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



Lucas T. Vebber
Deputy Counsel



Nathalie E. Burmeister
Associate Counsel

³ See Facebook Post on “Scott Stortz – Village of Slinger, President’s Page” dated February 21, 2025 at 5:24pm, available [here](#) (emphasis in original).

⁴ See e.g., Jessica McBride & Jim Piwowarczyk, *Slinger, Wisconsin Orders Elderly Couple to Take Down ‘God, Guns, Trump’ Sign*, Wisconsin Right Now (February 20, 2025), available [here](#).

CC Via Electronic Mail Only:

Scott Stortz, Village President (sstortz@vi.slinger.wi.gov)

Margaret Wilber, Village Administrator (mwilber@vi.slinger.wi.gov)

Tammy Tennes, Village Clerk (ttennies@vi.slinger.wi.gov)