

Amity Township protects Freedom of Speech

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Public profanities may seem unlawful, but the U.S. Constitution's First Amendment of Free Speech is everyone's right, which is being upheld by the Amity Township Board of Supervisors and officials.

Two residents of Winding Creek Drive, Douglassville said Jan. 18 that upon removing scrub trees and sticker bushes from their property, a neighbor painted profanities on the outside wall of their own utility shed over one month ago.

Brandon Underwood and his father, Rick, said the profanities have not been removed and blamed township officials for not responding to their police complaint.

Board Chairman Robert R. Yanos said the township was aware of the profanity prior to the police complaint and acted on it immediately by citing the residents for violating the township's sign ordinance.

That ordinance prohibits the establishment of any sign in the rural conservation, mobile home park, and low and medium density residential areas unless the sign is for an on-site, low impact home occupation, or for the sale or rental of that property's home or other items, or for identifying churches, schools, clubs, multi-family dwellings, developments, and agricultural associations/specializations.

"We are taking the most vigorous action that we can, but this is the process it has to go through," said Yanos to the Underwoods and other concerned neighbors.

"The township looked into it and acted very quickly," said Solicitor Brian F. Boland, adding that the township is taking the normal course of action.

Boland said the matter would proceed to the district justice, could include daily fines of \$500, and possibly advance to the Berks County Court of Common Pleas until the profanity is removed.

"People have a right to free speech -- and we have our processes as violating the sign ordinance," said Boland. "It is our analysis that this is the best way to go without having to argue First Amendment rights."

One resident said her five-year-old son asked her if Santa Claus would visit at Christmas.

Her reply to him was that Santa wouldn't visit that house.

Supervisors said they sympathize with the Underwoods and their other neighbors, whose children are asking what the words mean and why they were painted on the wall of the shed.

"There isn't a person up here who wouldn't like to take a bucket of paint to it [to cover the profanity]," said Supervisor Paul R. Weller, adding that trespassing onto that property to change the situation is against the law no matter how offensive the profanity may be

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Rick Underwood said he would install a fence or plant trees until the words are removed.

In other business:The board unanimously approved for township Manager Charles E. Lyon to apply for two grants that would fund about \$10,000 of the \$35,000 cost to resurface and paint lines on the tennis courts at Amity Community Park, Weavertown.

A new tennis club/team funded by the Amity Township Athletic Club, Inc., Birdsboro, was approved by the Daniel Boone School Board in November.

The Board of Supervisors approved in December for the new team to use the tennis courts at the park for practices and matches.

Lyon was unanimously approved to continue working with community organizations that want to donate new trees for planting at Amity Community Park.

A mutual plan will identify appropriate planting locations that would allow for the future establishment of additional sports fields and also appropriate tree species for a park.

Lyon will also work with the local Lion's Club on their proposal to build a small concession, restroom, and storage building near the tennis courts.

He said the Lion's Club proposal indicates that the building would be constructed with volunteer labor and donated construction materials.

The board voted unanimously to reverse and amend the township's disciplinary policy; first and second disciplinary offenses will not now remain permanently on an employee's record.

Boland said the original policy of 180 days for a first offense and a year for a second offense was changed six months ago to being permanent.

The Employee Handbook will now contain the policy's original wording.

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