



Town of Ocean View, Delaware

PRESS RELEASE

Ocean View Responds to Concerns Raised by ACLU for Ordinance Establishing Guidelines and Process to Respond to First Amendment Assembly Requests

Ocean View, DE, August 22, 2025: The Town of Ocean View has reviewed a letter presented this week by the American Civil Liberties Union (ACLU) addressing Ordinance No. 405 with the Town Solicitor and expresses its appreciation for the outreach and opinions shared in connection therewith. Ordinance 405 was enacted to establish a permitting process for First Amendment assemblies on Town owned property in order to promote the general health, safety and welfare of the community. The Ordinance was adopted in July after moving through a full public process, including introduction, and two public hearings at which no aspect of the Ordinance was contested by anyone, including the ACLU.

Notwithstanding the public process already conducted, “the item will be placed on the September Council meeting agenda for consideration of amendment or repeal” said Mayor John Reddington “to ensure no one’s First Amendment rights are inadvertently impacted by our ordinance”. Further, “we’ve begun a legal review of the points raised by the ACLU” said Town Manager Carol Houck, “so that regardless of whether its repealed and reintroduced or addressed by amendment, we can craft a better ordinance”.

It's currently our understanding that the process to repeal an ordinance should follow the same path of adopting one, including Introduction, First and Second reading with 2 Public Hearings, and a possible vote. If a repeal ordinance is introduced in September, it would reach Second Reading, Public Hearing and possible vote in November

END

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https://www.coastalpoint.com/news/communities/oceanview/aclu-asks-ocean-view-to-repeal-ordinance-on-public-assemblies/article_f291da34-73ee-4034-ad3d-70d37448f41d.html

ACLU asks Ocean View to repeal ordinance on public assemblies

By Susan Canfora | Staff Reporter
Aug 26, 2025



John West Park is one of the Town of Ocean View's properties where assemblies protected under the First Amendment might occur. The town council voted in July to adopt a policy for guidelines and fees on assemblies so the Town can 'provide support if needed.' The ACLU is asking the Town to repeal the policy, citing impingements on free speech.

Coastal Point staff



Responding to an objection from the ACLU of Delaware, the Ocean View Town Council has agreed to discuss repealing a town ordinance passed in July that regulates public assemblies.

The council at its July 8 meeting unanimously passed on second reading the ordinance to establish guidelines and a permitting process for assemblies in Town parks and on Town-owned property under the First Amendment. It will be back on the agenda at the Tuesday, Sept. 9, town council meeting “for consideration of amendment or repeal to ensure no one’s First Amendment rights are inadvertently impacted by our ordinance,” Ocean View Mayor John Reddington stated in a news release issued by the Town.

“We’ve begun a legal review of the points raised by the ACLU so that, regardless of whether it’s repealed and reintroduced or addressed by amendment, we can craft a better ordinance,” Town Manager Carol Houck said in the release.

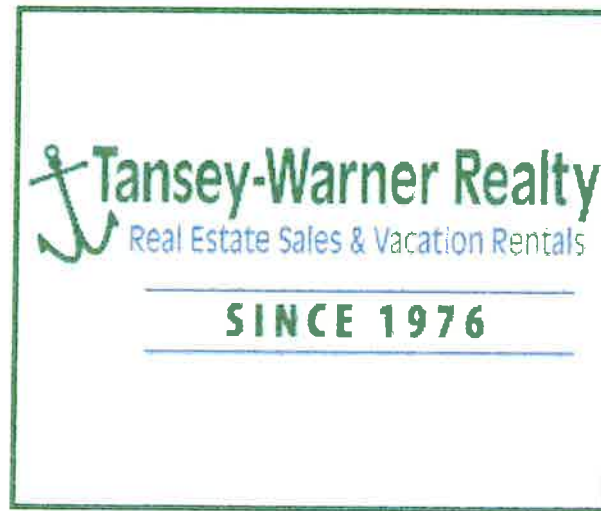
Reached by telephone by the Coastal Point, Reddington declined to comment, referring questions to Houck, who did not return phone calls from the Coastal Point, instead sending out a statement from the Town in the news release.

“The Town of Ocean View has reviewed a letter presented this week by the American Civil Liberties Union addressing Ordinance No. 405 with the town solicitor and expresses its appreciation for the outreach and opinions shared in connection therewith,” the release said. “Ordinance 405 was enacted to establish a permitting process for First Amendment assemblies on Town-owned property in order to promote the general health, safety and welfare of the community.

“The ordinance was adopted in July after moving through a full public process, including introduction and two public hearings, at which no aspect of the ordinance was contested by anyone, including the ACLU. Notwithstanding the public process already conducted, it’s currently our understanding that the process to repeal an ordinance should follow the same path of adopting one, including introduction, first and second reading with two public hearings and a possible vote. If a repeal ordinance is introduced in September, it would reach second reading, public hearing and possible vote in November,” the news release states.

On Aug. 20, ACLU Delaware issued a news release stating that a letter had been sent by the organization to Ocean View officials asking the ordinance be “swiftly repealed as it violates basic First Amendment rights” because it “requires organizers to apply for a permit no less than 36 hours

before any event with more than 10 people, pay up to \$150 in fees and be subject to unspecified restrictions determined by the town manager,” and dictates assemblies be between 8 a.m. and 8 p.m. and that attendees not wear masks.



“Requiring 36-hour notice with no exceptions limits the public’s ability to respond to fast-breaking news and current events. There is also a long-standing U.S. Supreme Court precedent protecting the right of protesters to maintain their privacy and anonymity by wearing face coverings or masks,” Jared Silberglied, ACLU legal fellow, stated in the release.

“This ordinance is an obvious and unconstitutional attempt to silence protesters by creating burdensome restrictions on their speech and assembly. Introducing administrative hoops for people to jump through, on top of financial obligations with vague fees, is not honoring the First Amendment rights of the people of Ocean View. People should be able to express themselves publicly without this kind of interference.”

This week, Silberglied told the Coastal Point that the ACLU was pleased Ocean View officials “brought such swift attention to the matter and stated their commitment to making sure they are respecting First Amendment rights of the people who live in Ocean View, but we are definitely going to still monitor the process and we will consult with anyone who wants to consult with us.”

He said the ACLU got involved after the matter was brought to the organization’s attention but not because of a particular assembly.

“People need to be able to have the right to assemble quickly to any late-breaking news event. Having an ordinance that requires people to wait even 36 hours before they can have an event prevents people from being able to rapidly react to breaking news, as is their right, and also charging

fees of high amounts will prohibit people who can't afford those fees from being able to use the rights they are entitled to," he said.

Silberglie said the ACLU of Delaware also got involved with a similar complaint about an assembly someone wanted to have at the Tubman Garrett Riverfront Park in Wilmington about a year ago.



Susan Canfora

Staff Reporter

Letter to the Editor

Another voice on Ocean View ordinance

Aug 28, 2025



Editor's Note

The following letter was addressed to the mayor, town council, town manager and police chief of Ocean View, and was sent to the Coastal Point for publication.

Below is the actual wording from the First Amendment of the U.S. Constitution, which you have either forgotten or have chosen to disregard:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

On the Town’s website, the synopsis of recently adopted Ordinance 405 states, “The purpose of this ordinance is to adopt reasonable time, place and manner restrictions on First Amendment Assemblies the [sic] occur in Town Parks and on Town Property to protect public safety and minimizing [sic] community disruption while preserving the rights and freedoms of all citizens to exercise their First Amendment right [sic].”

In light of the fact that the ordinance places time restrictions on applying for a permit to assemble, imposes fees between \$100 and \$150 for a permit to assemble, and makes a First Amendment assembly subject to unspecified restrictions determined by the town manager and chief of police, I’d like to suggest a different synopsis: “Ordinance 405 grants to the Government of the Town of Ocean

View full control over who may exercise their First Amendment rights and makes it easier for the Town to deny some Ocean View residents the ability to voice their opinions freely and assemble peacefully.”

Do you think the Town of Ocean View isn't bound by the U.S. Constitution? Did you think people wouldn't notice your blatant power-grab or would simply remain quiet? Wrong and wrong. Shame.

On. You.

Thank you for giving me a reason to appreciate that (1) I don't live in Ocean View and (2) my monthly contribution to the ACLU of Delaware is money well-spent.

Sandi Roberts

South Bethany

Letter to the Editor

Reader weighs in on Town's ordinance

Aug 28, 2025



Editor:

I am a homeowner who lives within the Ocean View ZIP code in Sussex County. I am concerned about what I recently learned about Ordinance No. 405 that was created by the Ocean View Mayor and Town Council from a response letter from the ACLU-DE.

In a recent "press release" it is stated that Ordinance No. 495 was adopted on July 8th through a full public process and that here were two full public hearings.

Where was this press release published? Please cite the publication. How many people were notified and how many people attended? Please publish the numbers.

Ordinance No. 405 imposes unconstitutional and unreasonable time, place and manner restrictions not only on community organizers and protesters but to the people who live here and work here. It infringes on everyone's right to free speech.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

An ordinance that places time restrictions on applying for a permit to assemble, imposes fees between \$100 and \$150 for a permit to make a First Amendment assembly subject to unspecified restrictions determined by the town manager and chief of police. All of the restrictions, 36-hour notice, fees of \$100-150, are also burdensome and are explicitly designed to discourage and add

burden to those who have the right to free speech. Plus, prohibiting the wearing of masks or face coverings violates the Supreme Court precedent which recognizes privacy and anonymity that is protected by the First Amendment.

This ordinance has nothing to do with “the general health, safety and welfare of the community.” The reason behind it is no secret. The Ocean View mayor, the town manager and council members have observed the people exercising their rights to free speech, which is allowed by law in the state of Delaware, peacefully protesting within the town limits of Bethany Beach. This ordinance is sending a message to the community of Ocean View and all of Sussex County that the elected officials will do whatever it takes to create barriers and a financial burden with the threat of arrest to those who choose to stand on a sidewalk and hold a sign exercising their right to free speech.

I am asking that the mayor, the town council and the town manager cease the unconstitutional limit protected speech in public spaces with Ordinance No. 405.

This ordinance does not need be to be re-written. It needs to be repealed, not replaced.

Everyone who cares about their rights and their community needs to attend the town council meeting on Sept. 9 at 3 p.m.

Angela Pierce

Ocean View

