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## Pembroke business owner wins ruling again

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Posted Monday, July 31, 2000 12:00 am

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A business owner has won again in her effort to see a Pembroke ordinance banning outside displays of merchandise declared unconstitutional.

Christian Circuit Judge Edwin White last week upheld a ruling made in March by Christian District Judge Peter Macdonald that the ordinance was "too vague for a reasonable person to understand and too broad for enforcement."

Pembroke appealed Macdonald's decision in April, seeking a reversal or clarification of the ruling.

"At a minimum, the city of Pembroke, Kentucky, is entitled to have this matter remanded to Christian District Court for clarity regarding the opinion rendered thereby," Pembroke City Attorney Lindsey Adams wrote in appeal documents submitted to the court.

With White's ruling, that will not happen. Pembroke's only recourse now would be judicial review by the Court of Appeals, said Ken Haggard, the Hopkinsville attorney who represented Pembroke business owner Rosa Coleman, who was cited under the ordinance in March 1999.

"They're not likely to take it up," Haggard said.

Coleman, who owns and operates a second-hand clothing store on Main Street, just across from City Hall, was cited about a week after Pembroke City Commission passed an ordinance that Haggard said seemed targeted directly at her business.

The law — passed about three months after Pembroke Mayor Charlie Porter took office — prohibited Coleman's practice of displaying clothing for sale on the sidewalk in front of her store.

Porter called the business an eyesore, a description echoed by others in the community.

However, Macdonald ruled that hanging the clothing outside was a form of advertising, since all actual sales took place inside the business.

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