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Newsroom: First Circuit Upholds Sticker Decision

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Newsroom

First Circuit Upholds Sticker Decision

The First Circuit has upheld U.S. District Court Judge and RWU Law Adjunct Professor William E. Smith's decision that Narragansett's "orange sticker policy" is constitutional.

From the Providence Journal: "[Appeals court OKs Narragansett orange-sticker policy](#)" by Katie Mulvaney



PROVIDENCE, R.I., Jan 05, 2011 -- A federal appeals court

Wednesday ruled constitutional the Town of Narragansett's controversial policy of plastering orange stickers on the front doors of so-called party houses.

A three-judge panel of the the 1st U.S. Circuit Court of Appeals upheld U.S. District Court Judge **[and RWU Law Adjunct Professor] William E. Smith's** decision last year that the University of Rhode Island Student Senate failed to show that Narragansett's ordinance trampled on protected liberties or property rights. **The appeals judges ventured from the home-court in Boston to hear arguments in October** [in an auditorium packed with students at Roger Williams University School of Law.](#)

The student senate, represented by the Rhode Island affiliate of the American Civil Liberties Union, argued Smith got it wrong. The policy, ACLU lawyer H. Jefferson Melish said, violates students' due process rights by not giving them an avenue to contest a sticker before it is slapped on their front door.

"There's no way to say to police you made a mistake," he said.

After struggling for years with student partying in rental houses in the seaside community, Narragansett enacted an ordinance in 2005 declaring a nuisance any gathering that disturbs "the quiet enjoyment" of a neighborhood through unlawful conduct, such as excessive noise, public drunkenness or illegal parking. The police can place an orange sticker on offending houses, where residents face a penalty if they remove it before the end of the school year. The owners, too, face fines.

For full story, click [here](#).