



INSTITUTE FOR JUSTICE

October 1, 2026

VIA E-MAIL AND USPS

Matthew Buttrick, Town Manager
Tyler McOsker, Code Enforcement Officer
Town of Ogunquit
23 School Street
Ogunquit, ME 03907

Re: The Omelette Factory Rooster Sculptures, 422 Main Street

Dear Mr. Buttrick and Officer McOsker:

I write regarding 'The Omelette Factory' at 422 Main Street, where Dave and Sara LeBlanc display tin rooster sculptures that have become a source of comfort for their daughter, Pyper, who has autism, and a source of pride and symbol of autism awareness for the surrounding community. From news coverage and the Town's own records, the Institute for Justice has learned that Ogunquit has fined the LeBlancs and told them that their roosters are illegal signs. Ogunquit is a seaside tourist town with no shortage of nautical statuary, whimsical yard art, and seasonal lawn decorations that receive no such treatment—including the countless identical roosters decorating many of the LeBlanc's neighbors' yards. As explained below, this discrimination against the LeBlancs' roosters violates the First Amendment under U.S. Supreme Court precedent. I therefore request that the Town rescind its fine(s) and allow the LeBlancs to keep their roosters in place.

I am a constitutional attorney* at the Institute for Justice, a national nonprofit organization that fights on behalf of those whose rights are threatened by the government. One of the rights that IJ protects is the First Amendment right of individuals and businesses to freely communicate through murals, signs, and other displays. For over twenty years, IJ has successfully brought suit against sign code restrictions that violate our clients' rights to free speech, including in the U.S. Courts of Appeal for the Fourth,¹ Sixth,² Eighth,³ and Ninth Circuits.⁴ We also work with cities and towns to amend their sign codes in order to forestall litigation.⁵

¹ *Cent. Radio Co., Inc. v. City of Norfolk*, 811 F.3d 625 (4th Cir. 2016).

² *Pagan v. Fruchey*, 492 F.3d 766 (6th Cir. 2007).

³ *Neighborhood Enters., Inc. v. City of St. Louis*, 644 F.3d 728 (8th Cir. 2011).

⁴ *Ballen v. City of Redmond*, 466 F.3d 736 (9th Cir. 2006).

⁵ See, e.g., *Fears v. City of Sacramento*, Civ. No. 2:13-cv-01667 (E.D. Cal. Aug. 29, 2013).

Most recently, IJ represented Leavitt's Country Bakery in a federal lawsuit against the town of Conway, NH, where officials treated a pastry-inspired mural of the White Mountains painted by local high school students to be an illegal sign. In May of last year, the court [ruled in the bakery's favor](#), enjoining enforcement and allowing the establishment to keep its mural.

Ogunquit's sign code, like the sign codes IJ has successfully challenged elsewhere, sweeps broadly. Under § 225-8.12 of the Ogunquit Code, "business or residential signs" may not "be erected, altered, or relocated without issuance of a permit from the Code Enforcement Officer," and are then subject to restrictions on their number, size, placement, and mounting. Taken on its own terms, that framework applies to any object that the Town decides communicates something to the public. And that is precisely how the Town has treated the LeBlancs' roosters: not as the whimsical yard sculptures they resemble, but as regulated signage, simply because the Town has decided that the roosters say something it doesn't like. The only reason the LeBlancs' roosters have been singled out for fines and removal is what the Town understands them to communicate.

That is a textbook content-based speech restriction. In *Reed v. Town of Gilbert, Arizona*, 576 U.S. 155 (2015), the U.S. Supreme Court addressed sign codes directly and held that a regulation is content-based — and subject to strict scrutiny — whenever, to know whether the regulation applies to a given display, you must look at what the display says or depicts. It appears that the Town considers the LeBlanc's roosters to be signs because they are roosters, instead of tigers, bears or some other animal. And the Town has come to associate roosters with the LeBlancs' business, The Omelette Factory, which prepares and sells eggs (notwithstanding that roosters don't lay eggs). And all of this while ignoring the identical roosters on neighbors' residential and commercial property.

Under the same reasoning from *Young v. Town of Conway*⁶ concerning the donut mural at Leavitt's Country Bakery, "no matter what level of scrutiny applies, the town's enforcement action" against the LeBlancs "would fail for the complete disconnect between what the ordinance purports to regulate and the town's enforcement."⁷ A few tin roosters do not implicate traffic safety or any aesthetic interest that countless other unregulated lawn decorations in Ogunquit do not implicate equally, some of which are identical to the LeBlancs' roosters. And "there is no rational relationship" between any legitimate government interest and the prohibition of these lawn decorations—especially where that prohibition is enforced only as to the LeBlancs.⁸

Thus, this Town's enforcement of its sign code against the LeBlancs is unconstitutional. Accordingly, I ask that the Town (1) rescind the fine(s) issued against the LeBlancs for the

⁶ 783 F.Supp.3d 588 (D. N.H. 2025).

⁷ *Id.* at 604.

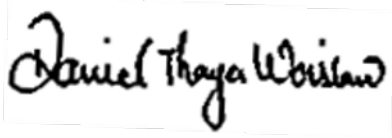
⁸ *Id.* at 609.

Matthew Buttrick
Tyler McOsker
October 1, 2026
Page 3

roosters, and (2) abate further sign-code enforcement against the roosters. This won't just help the Town align with the First Amendment of the U.S. Constitution and avoid the possibility of costly litigation. It will also benefit the community, as just like the other whimsical yard art around Ogunquit, the LeBlancs' roosters will continue to be a source of comfort to Pyper and pride to the community for years to come.

I would be happy to discuss this with you further. I can be reached at dwoislaw@ij.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Daniel Thaya Woislaw". The signature is written in a cursive, flowing style.

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