



Iconic restaurant, The Cozy Inn, sues Salina over right to paint a one-of-a-kind mural

Kansas Justice Institute files constitutional lawsuit to protect First Amendment right to paint a mural.



Salina, Kansas – Steve Howard, the owner of the iconic burger joint, The Cozy Inn (The Cozy), filed a federal lawsuit against the City of Salina, Kansas, on Monday, after city officials told Mr. Howard he had to stop painting a mural on the side of The Cozy. The Cozy is a Salina landmark that has been serving hamburgers for more than 100 years.

“Salina is my hometown, I love it here,” says Mr. Howard, “I want to finish my mural.”

Salina is a vibrant and unique community, with beautiful murals adorning the walls of countless buildings. Steve wanted The Cozy to be a part of the artistic culture of Salina and hired local artist Colin Benson to paint a whimsical mural depicting burger-esque flying saucers piloted by aliens

attacking The Cozy with blasts of ketchup and mustard. But city officials ordered Steve to halt work on the half-finished mural.

According to city officials, because Steve sells hamburgers, and the flying saucers in his mural look like hamburgers, the City of Salina considers his mural to be a regulated sign—instead of unregulated artwork—and therefore, a violation of the city code.

But the First Amendment does not allow the City of Salina to restrict speech, such as murals and other artwork, based on the message it conveys or the identity of the mural's owner.

Mr. Howard and The Cozy teamed up with Kansas Justice Institute (KJI) to file the lawsuit. The lawsuit does not seek money from the City of Salina. Instead, the lawsuit argues that the City of Salina's restrictions on murals violate the freedom of speech guaranteed by the First Amendment.

"Downtown Salina is vibrant, unique, and beautiful. The Cozy's artistic mural is too. The First Amendment protects the right to finish the mural," says Sam MacRoberts, KJI litigation director. "Salina is a great city with a set of really bad, unconstitutional laws and policies."

"Over 90% of our customers are travelers," says Steve, "I want them to feel the fun and excitement when they get here. My customers traveled hundreds or thousands of miles, and they are excited but now they are finally here, and it is fun when they see the aliens who traveled light-years to get here."

This case is part of KJI's litigation campaign challenging laws that interfere with the right to free speech. It's also part of KJI's litigation efforts to fight back against city hall. In 2019, KJI successfully sued the State of Kansas over its [raw milk advertising prohibition](#), and just last year, KJI sued the City of Ottawa, Kansas, over its home-based business prohibitions involving [beekeeping and gardening](#).

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CONTACT: Ellen Hathaway, Communications Director of Kansas Policy Institute
ellen.hathaway@kansaspolicy.org