



## Takoma Park City Council Meeting – October 2, 2019 Agenda Item 4

### **Work Session**

Ordinance Prohibiting Private Signs in the Public Right-of-Way

### **Recommended Council Action**

Consider proposed ordinance.

### **Context with Key Issues**

The placement of signs by private individuals and commercial businesses contributes to visual blight in the City and blocks the sightlines of pedestrians, cyclists, and motorists, which creates a safety hazard. The existing City Code chapter regarding signs, which is several decades old, allows the posting of private signs by individuals and nonprofit entities for specified purposes and prohibits signs only in specific public locations and on specific structures. The existing chapter also regulates the size, manner of posting, and maximum duration of posting of private signs on public property. The existing chapter's regulation of signs based on their content (commercial vs. noncommercial) creates the risk of First Amendment violations, and the provisions of the chapter have proven to be confusing to the public and difficult for the City to enforce.

The proposed ordinance establishes a blanket prohibition on the posting of private signs in the public right-of-way. This prohibition will reduce visual blight, promote public safety, facilitate enforcement, and prevent inadvertent infringement upon First Amendment rights.

### **Council Priority**

A livable community for all.

### **Environmental Considerations**

Reduction of visual pollution and litter.

### **Fiscal Considerations**

Reduced administrative costs.

### **Racial Equity Considerations**

All residents of the City will enjoy the benefits of reduced visual clutter and greater safety for pedestrians, cyclists, and motorists.

### **Attachments and Links**

- Proposed ordinance.

1 Introduced by:  
2

3 First Reading: \_\_\_\_\_, 2019

4 Second Reading: \_\_\_\_\_, 2019

5 Effective Date: \_\_\_\_\_, 2019  
6

7 **CITY OF TAKOMA PARK, MARYLAND**  
8 **ORDINANCE 2019-\_\_\_\_**  
9

10 **Ordinance prohibiting private signs in the public right-of-way**

11  
12 WHEREAS, the installation of signs in the public right-of-way causes visual blight and  
13 endangers the public by obstructing the view of pedestrians, cyclists, and  
14 motorists; and  
15

16 WHEREAS, the current City Code allows for certain signs to be posted under specified  
17 conditions depending on the content of the signs; and  
18

19 WHEREAS, the current City Code is confusing and difficult to administer and creates the  
20 potential for First Amendment violations; and  
21

22 WHEREAS, the City Council wishes to establish a clear, constitutionally sound policy of  
23 prohibiting private signs in the public right-of-way to prevent visual blight and  
24 promote public safety.  
25

26  
27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA  
28 PARK, MARYLAND THAT:  
29

30 SECTION 1. Title 11, Streets, of the Takoma Park Code is hereby amended as follows:  
31

32 **Title 11**  
33 **STREETS**

34 **Chapter 11.04**  
35 **GENERAL PROVISIONS**

36 **11.04.020 Definitions.**

37 As used in this title:

38 \* \* \*

39 “Private ~~sign~~sign” means ~~temporary sign~~a sign placed by ~~organizations or a private~~  
40 ~~individual~~sentity or individual.

41 ~~“Public signs” means signs placed by the City or other public bodies for the purpose of~~  
42 ~~informing the public about laws, regulations or issues of public policy or the location of places of~~  
43 ~~public interest or need (i.e., schools, hospitals, etc.).~~

44 “Private entity” means any business entity or other organization, whether or not operated for  
45 profit, other than a unit or instrumentality of state, local, or federal government.

46 **11.04.060 Placement of private signs and advertisements.**

47 A. No private sign or advertisement of any sort shall be placed, built, hung or left in or upon  
48 ~~any of the places mentioned in any public area, except those lawfully authorized under the~~  
49 ~~provisions of this section~~the public right-of-way.

50 ~~B.— Private Signs. Signs advertising commercial goods or services are prohibited. Such~~  
51 ~~prohibited commercial signs advertise on behalf of for-profit on-going business enterprises.~~  
52 ~~“Commercial” does not include such home-centered, occasional activities as yard sales and bake~~  
53 ~~sales. Advertising by home day care providers is specifically exempted from this prohibition. All~~  
54 ~~other private signs may be placed in public locations only in accordance with the following~~  
55 ~~requirements listed in this subsection:~~

56 1.—~~Size of Signs. Private signs shall not exceed 20" in any dimension (i.e., length or~~  
57 ~~width).~~

58 2.—~~Manner of Posting. No sign may be posted by using glue or any adhesives other than~~  
59 ~~removable tape, tacks or staples.~~

60 3.—~~Time Limits and Authority.~~

61 a.—~~All private signs must have the date on which they were posted and the name of~~  
62 ~~the person or entity who authorized its placement prominently displayed.~~

63 b.—~~Authority for the posting of private signs expires 14 days from the date of posting~~  
64 ~~or after the stated date of the advertised event, whichever occurs first.~~

65 c.—~~The sponsor and person who posted the private sign are responsible for removing~~  
66 ~~it.~~

67 4.—~~Limits on Placement.~~

68 a.—~~In accordance with Section 11.24.020, no person shall attach, place, paste or~~  
69 ~~otherwise affix any sign, advertisement or other matter on any lamppost, lantern,~~  
70 ~~bench, public trash receptacle, live tree or the Old Town Clock. Signs or~~  
71 ~~advertisements posted or otherwise placed in these locations will be removed~~  
72 ~~immediately.~~

73 b.—~~Any violation of subsection (B)(4)(a) of this section which results in injury to~~  
74 ~~public property will be a Class B offense.~~

75 5.—~~Removal of a sign or advertisement that violates any of these provisions is not a~~  
76 ~~violation of this section.~~

77 6.—~~Waiver. The City Administrator may grant a waiver to certain provisions of this~~  
78 ~~subsection, upon a written request in advance of any posting, where such waiver is in the~~  
79 ~~public interest.~~

80 B. Private signs or advertisements in the public right-of-way are subject to immediate removal  
81 and destruction.

82 \* \* \*

83 D. A single Violations.

84 1. Except as provided in paragraph 2 of this subsection, each incident of posting a private sign  
85 or advertisement in the public right-of-way shall constitute a Class C Offense.

86 2. Any violation of this section, unless otherwise specified herein, that results in injury to  
87 public property will lead to a warning. Multiple or repeat violations of this section will each be a  
88 Class ~~D~~A offense.

89 \* \* \*

90 **Chapter 11.24**  
91 **STREET LAMP REGULATIONS**

92 **11.24.020 Posting signs to lampposts prohibited.**

93 ~~No person shall attach, place or paste any sign, advertisement or other matter on any public~~  
94 ~~lamppost, lantern or appurtenance thereof. A violation of this section is a Class D offense.~~

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96

97

98 SECTION 2.

99

100 This Ordinance shall become effective immediately.

101

102 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by roll-call vote as follows:

103

104 Aye:

105 Nay:

106 Absent:

107