



Takoma Park City Council Meeting – March 23, 2022 Agenda Item 2

Work Session

Regulation of Private Signs in the Public Right of Way

Recommended Council Action

Discuss desired policy regarding the placement of private signs in public areas and public rights of way.

Context with Key Issues

The current sign ordinance is suspended and that suspension expires on June 30th. Once the suspension is lifted, the current sign ordinance will again be in effect unless Council acts to amend it prior to June 30th.

The current sign ordinance regulates signs in “public areas.” It generally seeks to prohibit signs advertising commercial goods or services, but allows signs for yard sales, bake sales, and home day-care providers. The sign ordinance allows the posting of noncommercial signs for up to 14 days. It prohibits the posting of signs “on any lamppost, lantern, bench, public trash receptacle, live tree or the Old Town Clock,” limits the size of signs to no greater than 20 inches in any dimension, and requires the sign to indicate the date it was posted and the identity of the person who posted it. The Code also allows the City Manager to waive any restriction on posting when the waiver is in the public interest.

The current sign ordinance is legally problematic because it is arguably inconsistent with current First Amendment jurisprudence, which is generally an evolving body of law as it relates to local government sign regulation. The proposed amendments seek to bring the ordinance within the existing guideposts established by that jurisprudence.

Council Priority

Engaged, Responsive & Service-Oriented Government; Livable Community for All

Environmental Considerations

Staff does not anticipate any environmental impact.

Fiscal Considerations

There is no particular fiscal impact to adopting a new sign ordinance. During the period of suspension, code enforcement staff was able to focus on other areas of enforcement. Once a new ordinance is adopted, code enforcement personnel will again be responsible for enforcing limitations on placement of signs on public property.

Racial Equity Considerations

The goal is to adopt a fair and equitable ordinance regulating signs on public property.

Attachments and Links

Draft Ordinance

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2020-_____

**Ordinance Amending Chapter 11.04 Regulating Signs Regulating Signs in
Public Areas and Public Rights of Way And Making Non-Substantive
Changes for Consistency.**

WHEREAS, the City Code provisions governing signs were under review prior to the Covid-19 global pandemic commencing in March 2020; and

WHEREAS, the review of the City Code provisions governing signs was paused due to the pandemic and the existing provisions were largely suspended for the duration of the pandemic in part to promote freedom of expression during a time when assembling was difficult due to health risks; and

WHEREAS, the City Council’s intention is to ensure the ordinance as a whole contains only content-neutral time, place, and manner restrictions that are sufficiently justified and narrowly tailored; and

WHEREAS, prohibitions on the placement of private signs on real property containing a City of Takoma Park facility, in a City of Takoma Park recreational park, or in any right of way contiguous with and immediately adjacent to any City of Takoma Park facility or park is to avoid even the appearance that the City is promoting or limiting any type of speech.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THAT:

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

**Title 11
STREETS**

**Chapter 11.04
GENERAL PROVISIONS**

* * *

11.04.060 Placement of signs and advertisements.

A. No private sign or advertisement shall be permitted on any real property containing a City of Takoma Park facility, City of Takoma Park recreational park, or in any right of way contiguous with and immediately adjacent to any City of Takoma Park facility or park.

Sign Ordinance Amendment – Allowing Any Type of Private Sign for Limited Duration
March 17, 2022, Version 1
Draft

1 BA. No sign or advertisement of any sort shall be placed, built, hung or left in or upon any of
2 the places mentioned in any public area or public right of way, except those lawfully authorized
3 under the provisions of this section.

4 CB. Private Signs. ~~Signs advertising commercial goods or services are prohibited. Such~~
5 ~~prohibited commercial signs advertise on behalf of for profit on going business enterprises.~~
6 ~~“Commercial” does not include such home centered, occasional activities as yard sales and bake~~
7 ~~sales. Advertising by home day care providers is specifically exempted from this prohibition. All~~
8 ~~other~~ Private signs may be placed in public locations areas and rights of way only in accordance
9 with the following requirements listed in this subsection:

10 1. Size of Signs. Private signs shall not exceed 20" in any dimension (i.e., length or
11 width).

12 2. Manner of Posting. No sign may be posted by using glue or any adhesives other than
13 removable tape, tacks or staples.

14 3. Time Limits and Authority.

15 a. All private signs must have the date on which ~~they were~~ it was posted, ~~and~~ the name
16 of the sponsor, which shall be either a person or entity, who authorized its placement, and
17 the name of the person who posted it prominently displayed.

18 b. Authority for the posting of private signs expires 14 days from the date of posting or
19 after the stated date of the advertised event, whichever occurs first.

20 c. The sponsor and person who posted the private sign are responsible for removing it.

21 4. Limits on Placement.

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

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

28 5. Removal of a sign or advertisement that violates any of these provisions is not a
29 violation of this section.

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

33 DC. Public Signs. Public signs shall be kept to a minimum number necessary to ensure the public
34 safety and to communicate needed information. Wherever feasible, multiple signs shall be posted
35 together on the same pole. All obsolete, redundant or unauthorized signs shall be removed.

Sign Ordinance Amendment – Allowing Any Type of Private Sign for Limited Duration
March 17, 2022, Version 1
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1 1. To the extent practicable, public signs shall be of a consistent size and style. Judgment
2 shall be exercised by the City Manager ~~Administrator~~, generally following the “Manual of
3 Uniform Traffic Control Devices.”

4 2. The City Council designates the following community gateways at which points persons
5 entering the City will be welcomed to Takoma Park:

6 a. Southwest corner of Carroll Avenue at Garland Avenue traveling southwest;

7 b. Northwest corner of East-West Highway at New Hampshire Avenue traveling west;

8 c. Northeast corner of Philadelphia Avenue at Chicago Avenue traveling southeast; and

9 d. Southeast and southwest corners of New Hampshire Avenue at University Boulevard
10 traveling south.

11 3. Traffic signs regulating the speed limit will be displayed at the community gateways and
12 on other streets only where necessary to comply with State law. This provision does not apply
13 to those areas designated as school zones in Section 13.08.010 of this Code.

14 4. The placement, removal and regulations of all public signs shall be the responsibility of
15 the City Manager ~~Administrator~~.

16 E D. A single violation of this section, unless otherwise specified herein, will lead to a warning.
17 Multiple or repeat violations of this section will each be a Class D offense. (Prior code § 11-4.1)

18 SECTION 2. The City Council’s intention is that the ordinance be construed as being consistent
19 with the First Amendment to the United States Constitution and the comparable provisions found
20 in Maryland’s Declaration of Rights and applied in the same manner.

21 SECTION 3. The provisions of this ordinance are severable. If any part of this act is declared
22 invalid or unconstitutional, that declaration shall not affect any part which remains.
23

24 SECTION 4 This Ordinance shall become effective on July 1, 2022.
25

26 Adopted this _____ day of _____, 2022, by roll-call vote as follows:
27

28 Aye:

29 Nay:

30 Absent:
31
32

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1 Explanatory Note: New text is indicated with underlining and deleted text is indicated with
2 strikethrough.

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