



Takoma Park City Council Meeting – April 27, 2022 Agenda Item 4

Voting Session

Second Reading Ordinance Amending Chapter 11.04 Regulating Signs in Public Areas and Public Rights of Way

Recommended Council Action

Discuss desired policy regarding the placement of private signs in public areas and public rights of way and vote on second reading ordinance.

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.

After a Council Work Session on March 23, 2022, in which a draft of the ordinance was presented, several questions arose and several modifications were directed. The current version of the ordinance seeks to address the questions raised and seeks to incorporate the modifications.

Some of the changes include: clarifying the Council’s purpose in updating and revising the sign ordinance, clarifying the meaning of public area by removing reference to rights of way and “adjacent” to rights of way, increasing the size of permissible signs to 26 inches in any dimension, including express language permitting removal of non-compliant signs, e.g., a sign that remains after the 14 day period, and making other language changes for consistency. The ordinance retains the same language regarding multiple or repeat violations being a Class D offense. A Class D offense is a municipal infraction with a \$100 fine for the first offense and a \$200 for each repeat offense. See City of Takoma Park Code, § 1.04.020(H)(1).

Under the current ordinance and the amended ordinance, signs may be placed on City property in accordance with applicable election laws when a polling station is established on City property.

Council Priority

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

Environmental Considerations

Staff does not anticipate any environmental impact.

Fiscal Considerations

The Code Enforcement Division is responsible for enforcement of the 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 rights of way and public property.

Racial Equity Considerations

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

Attachments and Links

Draft Second Reading Ordinance

1 Introduced by: Councilmember Kovar

First Reading: April 20, 2022

2 Second Reading:

3 Effective Date:

4
5 **CITY OF TAKOMA PARK, MARYLAND**

6
7 **ORDINANCE 2022-11**

8
9 **Ordinance Amending Chapter 11.04 Regulating Signs in Public Areas and**
10 **Public Rights of Way and Making Non-Substantive Changes for Consistency**
11

12 WHEREAS, the City Council has determined that it is in the interest of its residents to have an
13 updated ordinance addressing signs that balances freedom of expression with
14 reducing litter and clutter in the community; and
15

16 WHEREAS, the City Code provisions governing signs were under review prior to the Covid-19
17 global pandemic commencing in March 2020; and
18

19 WHEREAS, the review of the City Code provisions governing signs was paused due to the
20 pandemic and the existing provisions were largely suspended for the duration of
21 the pandemic in part to promote freedom of expression during a time when
22 assembling was difficult due to health risks; and
23

24 WHEREAS, the City Council's intention is to ensure the ordinance as a whole contains only
25 content-neutral time, place, and manner restrictions that are sufficiently justified
26 and narrowly tailored; and
27

28 WHEREAS, prohibitions on the placement of private signs on real property containing a City of
29 Takoma Park building, facility, or recreational park, is to avoid even the appearance
30 that the City is promoting or limiting any type of speech, except in circumstances
31 when federal, state, or local law permit private signs to be posted, e.g., under certain
32 circumstances during elections.
33

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

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

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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 building, facility, or recreational park, unless otherwise required by federal, state, or local law.

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

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

1. Size of Signs. Private signs shall not exceed ~~20~~ 26" in any dimension (i.e., length or width).
2. Manner of Posting. No sign may be posted by using glue or any adhesives other than removable tape, tacks or staples.
3. Time Limits and Authority.
 - a. All private signs must have the date on which ~~they were~~ it was posted, ~~and~~ the name of the sponsor, which shall be either a person or entity, who authorized its placement prominently displayed.
 - b. Authority for the posting of private signs expires 14 days from the date of posting or after the stated date of the advertised event, whichever occurs first.
 - c. The sponsor and person who posted the private sign are responsible for removing it.
4. Limits on Placement.
 - a. In accordance with Section 11.24.020, no person shall attach, place, paste or otherwise affix any sign, advertisement or other matter on any lamppost, lantern, bench, public trash receptacle, live tree or the Old Town Clock. Signs or advertisements posted or otherwise placed in these locations ~~will~~ shall be removed immediately.

1 b. Any violation of subsection (B)(4)(a) of this section which results in injury to public
2 property will be a Class B offense.
3

4 5. Removal of a sign or advertisement that violates any of these provisions is not a
5 violation of this section.
6

7 ~~6. Waiver. The City Administrator may grant a waiver to certain provisions of this~~
8 ~~subsection, upon a written request in advance of any posting, where such waiver is in the~~
9 ~~public interest.~~
10

11 DC. Public Signs. Public signs shall be kept to a minimum number necessary to ensure the public
12 safety and to communicate needed information. Wherever feasible, multiple signs shall be posted
13 together on the same pole. All obsolete, redundant or unauthorized signs shall be removed.
14

15 1. To the extent practicable, public signs shall be of a consistent size and style. Judgment
16 shall be exercised by the City Manager ~~Administrator~~, generally following the “Manual of
17 Uniform Traffic Control Devices.”
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19 2. The City Council designates the following community gateways at which points persons
20 entering the City will be welcomed to Takoma Park:
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22 a. Southwest corner of Carroll Avenue at Garland Avenue traveling southwest;
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24 b. Northwest corner of East-West Highway at New Hampshire Avenue traveling west;
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26 c. Northeast corner of Philadelphia Avenue at Chicago Avenue traveling southeast; and
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28 d. Southeast and southwest corners of New Hampshire Avenue at University Boulevard
29 traveling south.
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31 3. Traffic signs regulating the speed limit will be displayed at the community gateways and
32 on other streets only where necessary to comply with State law. This provision does not apply
33 to those areas designated as school zones in Section 13.08.010 of this Code.
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35 4. The placement, removal and regulations of all public signs shall be the responsibility of
36 the City Manager ~~Administrator~~.
37

38 E D. A single violation of this section, unless otherwise specified herein, will lead to a warning.
39 Multiple or repeat violations of this section will each be a Class D offense. (Prior code § 11-4.1)
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41 F. The City may only remove signs that are not in compliance with the content-neutral time,
42 place, and manner restrictions of this section.
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44 SECTION 2. The City Council’s intention is that the ordinance be construed as being consistent
45 with the First Amendment to the United States Constitution and the comparable provisions found
46 in Maryland’s Declaration of Rights and applied in the same manner.

1 SECTION 3. The provisions of this ordinance are severable. If any part of this act is declared
2 invalid or unconstitutional, that declaration shall not affect any part which remains.
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4 SECTION 4 This Ordinance shall become effective on July 1, 2022.
5

6 Adopted this _____ day of _____, 2022, by roll-call vote as follows:
7

8 Aye:

9 Nay:

10 Absent:

11 Abstain:
12

13 Explanatory Note: New text is indicated with underlining and deleted text is indicated with
14 strikethrough.
15