

APPENDIX "C"
Addressing the Billboard Issue*

Local Billboard Prohibition Ordinance

Of the 45 states that allow new billboard construction, 41 allow municipalities to prohibit new billboard construction. Scenic America strongly recommends local prohibitions of new construction as a valid means of stopping billboard blight from getting worse.

The following model ordinance is based on language from a variety of the more than 720 communities throughout America with billboard prohibitions confirmed by Scenic America. The ordinances of places as diverse as Baltimore, Maryland; Richland County, South Carolina; Scottsdale, Arizona; and Fort Worth, Texas offer worthy examples for other communities.

Ordinance No.

City of Any Town, East Dakota, USA

Whereas, the proliferation in number, size, and manner of off-premise outdoor advertising signs unreasonably distracts operators of motor vehicles and promotes confusion with regard to traffic lights, signs or signals and is therefore hazardous to the health and safety of road and highway users; and

Whereas, excessive and inadequately controlled off-premise signs endangers the uniqueness and scenic beauty of Any Town, harms the appearance of our neighborhoods, and reduces the property values of neighboring property owners; and

Whereas, tourism and trade from both resident and nonresident highway users is an essential part of Any Town's economy; and

Whereas, logo signs, well-designed on-premise signs, information centers, and other forms of media in Any Town offer local businesses ample opportunity to promote their goods and services to residents and visitors alike; and

Whereas, Section _____ of the Code of East Dakota permits local governments to strictly control and prohibit the construction and reconstruction of new off-premise outdoor advertising signs; and

Whereas, The City Council of Any Town finds that a complete prohibition of the construction of new outdoor advertising signs advances the public health, safety, and welfare of Any Town;

**This article was taken, in its entirety, from http://www.scenic.org/billboards/model_ordinance.*

Appendix "C"

Billboard Model Ordinance

Additional information on the subject is available at this same website.

Therefore be it ordained that the following subsections shall be added to Section 12 of the Municipal Zoning Ordinance of Any Town and shall be effective immediately.

Section 12-1. Definitions:

A. "Official business directional sign" means a sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

B. "Off-premise sign" means a business sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Section 12-2. Prohibited Signs.

A. All off-premise signs are prohibited and no permit shall be granted for the construction of any off premise signs on or after the effective date of this subsection.

Section 12-3. Repair and Reconstruction of Signs.

A. Off-premise signs: Should any sign be damaged by acts of God, weather, unintentional harm or negligence or should any off-premise sign deteriorate due to failure to properly maintain said sign to the point that the cost of repair is greater than 50 percent of its current fair market value, the City shall not grant any permits for the repair or reconstruction of the sign. This prohibition does not apply to signs damaged by vandalism or other criminal acts.

Section 12-4. Protection of First Amendment Rights.

A. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located.

Section 12-5. Severability and Conflict.

A. Severability: This ordinance and its various parts are hereby declared to be severable. If any section, clause, provision or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not

affect the validity of either this ordinance as a whole or any parts not declared invalid or unconstitutional.

- B. Conflict: If any part of this ordinance is found to be in conflict with any other ordinance of the City of Any Town, the most restrictive or highest standard shall prevail.

NOTES:

1. This model ordinance is intended to amend existing sign laws or an existing ordinance. It could also serve as a stand-alone ordinance. As with other model ordinances, Scenic America urges activists and officials to consult with experienced local counsel and modify this ordinance to comply with current state law.

2. Four states, Ohio, Pennsylvania, Missouri, and South Dakota do not allow communities to prohibit billboards completely. Pennsylvania law may allow communities that already have billboards in their community to prohibit new billboards, but that question remains unsettled.

*3. For more information on how to advocate for good state and local billboard controls, see Scenic America's publication *Fighting Billboard Blight*, available in our secure online Bookstore.*