

Sign Control News

Newsletter of the Center for Sign Control • A project of the Coalition for Scenic Beauty

May-June, 1988 • Vol. 5, No. 2

DENVER CAPS BILLBOARDS

By a close 7-5 vote before a hearing room packed until after midnight with citizens concerned about billboards in their neighborhoods, on June 6 the Denver City Council passed a tough billboard ordinance.

The ordinance caps the number of billboards in the city—requiring removal of one existing sign of equal size for every new billboard erected. It also requires the removal of all billboards from the “scenic gateway” streets of Speer Boulevard and Park Avenue within five years, and establishes a 125-foot buffer zone between residences and new billboards.

According to a city planning office report, the number of billboards in Denver almost doubled in the past decade to nearly 800. The Denver City Council enacted a billboard moratorium last June after complaints from neighborhood groups that outdoor advertisers had not obeyed a 1976

ordinance requiring that all billboards be reduced to a height of 45 feet by 1986.

Industry representatives argued against the regulations, claiming the new law would put them out of business. However, no more than 100 people are employed in billboard-related jobs in Denver. Reportedly none lost jobs during the moratorium; because the new ordinance does not do away with all billboards, few if any jobs are likely to be affected.

Civic activists Michael Henry and Doug Linkhart led a coalition of neighborhood groups that joined with Historic Denver and the local chapters of the League of Women Voters and the American Institute of Architects to push for the ordinance proposed by council member Dave Doering. Linkhart attributes the ordinance's success to “a lot of work by this coalition” and says, “We couldn't have done it without the Coalition for Scenic Beauty.” □

City Plans “Scenic Gateway”

PHILADELPHIA CRACKS DOWN ON BILLBOARDS

On April 21, 1988, after a protracted battle with the billboard industry, the Philadelphia City Council voted 16-1 to ban new billboards along the Vine Street Expressway.

The vote marked the end to a long campaign to clean up billboards along this “gateway.” The Vine Street Expressway—the first river-to-river limited access highway in Philadelphia—is designed to be a landscaped scenic gateway into the city.

The law requires advertisers to remove, within five years, all billboards located within 600 feet of Vine Street. Officials estimate that 27 of 78 billboards will have to come down. Ironically, the remaining 51 billboards are protected from removal by the Highway Beautification Act. This is because the Beautification Act requires cash payments to remove billboards along federal highways. Billboard removal funds have not been appropriated by Congress since 1982.

The new controls were supported by the mayor, a majority of the City Council, the Chamber of Commerce, and a coalition of more than 30 neighborhood groups and civic organizations. Yet, the billboard industry successfully tied the bill up for months.

In the end, a move by Councilman John Street to weaken certain provisions in the bill failed and only Councilman



James Tayoun, the industry's chief proponent on the council (named in the cartoon accompanying this article) voted against the legislation.

(Continued on page 2)



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VERMONT TOASTS TWENTIETH ANNIVERSARY OF BILLBOARD LAW

In March 1988, citizens of Vermont celebrated the 20th anniversary of the "Green Mountain" state's landmark billboard control law.

Several dozen dignitaries including Governor Madeleine Kunin, Rep. James Jeffords (R-VT), and Speaker of the House Richard Mallary joined in a ceremony marking the ongoing success of the 1968 anti-billboard law—one of only four such state laws in the country.

Vermont's reputation as a "green" state was credited with being due in no small measure to the fact that people can view her farms, streams, and mountains without looking around a billboard advertising cars, cigarettes, and whiskey. Jeffords, who helped organize the event, noted, "It's the quaintness, it's the beauty of the state without being obliterated by billboard monsters."

Theodore Riehle Jr., the citizen who first proposed the bill, reminisced about how it passed "because people came to believe that not having billboards was really in the best interest of the state of Vermont."

Governor Kunin agreed, stressing that the law has been a great boon to both tourism and the economy. "After vigorous debates when the law was first enacted, Vermonters are in general agreement today that we like to see our landscape without obstructing the view," she said. "Frankly, I think it would be great if the rest of the country followed suit." □

Philadelphia Billboards

(Continued from front page)

Peter Wiley, Executive Director of the Central Philadelphia Development Corporation, a nonprofit business organization that first proposed the controls in 1985, commented after his three-year fight that, "Everybody told me that we were crazy to go up against the billboard lobby in Philadelphia. . . . But who won, and won big? The people of this city."

Wiley said the bill would not have been possible without the Coalition for Scenic Beauty, which provided information, inspiration, and technical assistance to the city and local organizations. □

PHILADELPHIA BILLBOARDS TARGET INNER-CITY NEIGHBORHOODS

The months of debate in the Philadelphia City Council over the Vine Street Expressway have led to calls for crack-downs on illegal billboards and billboard clutter elsewhere in the city.

The *Philadelphia Inquirer* has conducted several different investigations of the billboard problem in the city. An exhaustive search of billboard permits—for which there is no central registry — concluded that "National 3M and the Winston Network have set up hundreds upon hundreds of billboards in apparent violation of the city code" at a large cost to the city. The two companies subsequently agreed to pay more than \$200,000 in permit and license fees owed the city. But the *Inquirer* said the firms were immediately "trying to cut their losses" and "pay only a portion of what they really owe and, at the same time, stay in business at their lucrative locations."

Earlier, the paper reported targeting of black and poor neighborhoods in the city for tobacco and cigarette advertising. In a survey of 73 billboards along a 19-block stretch of Ridge Avenue — including some of the poorest neighborhoods in Philadelphia — the *Inquirer* counted 56 billboards advertising either cigarettes or alcohol, six carrying public service messages, ten other ads, and one empty.

Billboard industry representatives admitted that the concentration of booze and smoke ads is more than double the national average, but countered that targeting specific audiences is a common practice, according to the *Inquirer*.

Reportedly it is also a successful one. Newport's success in the cigarette industry is attributed by industry and independent analysts to its ability to attract younger blacks. Cognac manufacturers market their products to blacks as affordable status symbols.

The journalistic investigations have increased calls for re-organization of the system of licensing and regulating billboards in Philadelphia and broadened citizen interest in restoring and protecting the character of neighborhoods. □

SIGN CONTROL NEWS is a publication of the Coalition for Scenic Beauty, a nonprofit (501c3) organization that is the only national group solely devoted to protecting America's scenic resources and cleaning up visual pollution. It is available free to Coalition members. If you want to help save our scenery and work for meaningful controls on visual blight, you can join the Coalition.

Membership fees are \$20 a year; for local or state clubs, associations, organizations, private businesses, or government agencies, annual dues are \$50; for national organizations, \$100. To join, send check payable to the "Coalition for Scenic Beauty" to: Coalition for Scenic Beauty, 218 D Street, S.E., Washington, D.C. 20003.

Phone(202) 546-1100

Carroll Shaddock President
Ed McMahon Executive Director
Joan Moody Communications Director/Editor

KING COUNTY OUTLAWS BILLBOARDS BLOCKING SCENIC VIEWS

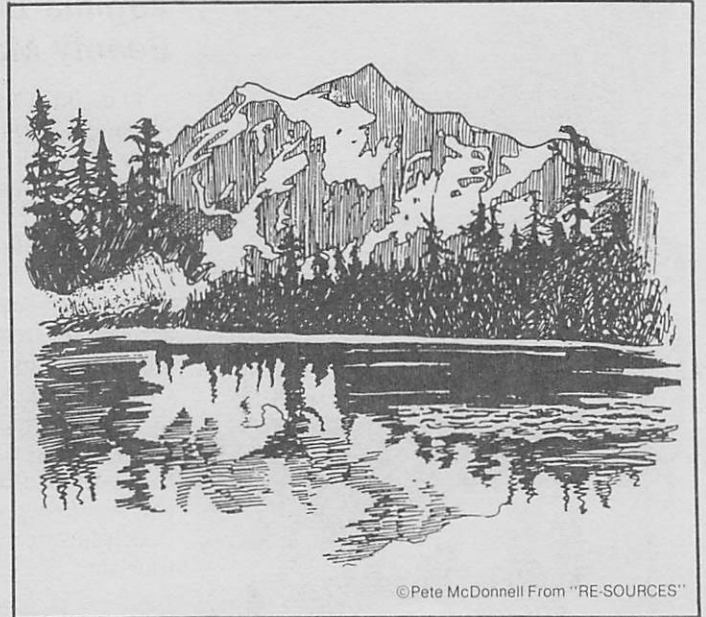
No new billboards will be allowed and numerous "billboard-free areas" will be established under an ordinance passed May 31 by King County, Washington. In restricting billboards, the county followed the lead of Seattle and other cities within its boundaries.

But in another respect, King County—a large urban county of 2,235 square miles—seized the lead with what may be the first law in the country to outlaw billboards that block scenic views.

The new ordinance prohibits billboards blocking views of Mount Rainier, Mount Baker, the Olympic Mountains, Puget Sound, lakes, and rivers. It also creates billboard-free zones around county landmarks and historic sites and bars signs within 600 feet of a county or state park or on open space and scenic resource lands designated in the King County Open Space Plan.

The new ordinance establishes seven other "billboard-free areas," puts a lid on the number of billboards, limits billboards to certain land-use zones, sets tough standards on size and height, prohibits tree-cutting in front of billboards, and includes stiff penalties for violating the ordinance. When a billboard that currently conforms to the ordinance is moved, the company will also have to move a billboard that does not conform.

King County Executive Tim Hill, who proposed the ordinance along with Councilwomen Audrey Gruger, Lois North and Cynthia Sullivan, summarized its impact succinctly: "It means putting a cap on the number of billboards. It means removing billboards. It means penalties. It means we'll have



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billboard-free areas so we can have a scenic county."

While cities throughout the county have limited or have banned outdoor advertising, an estimated 450 billboards mar roadways in King County with garish advertising. Now roads such as the busy Redondo Beach Road will be billboard-free and the views of Washington's great peaks will be protected. □

LOUISVILLE AREA STRENGTHENS SIGN CONTROLS IN WAKE OF NAEGELE SCANDAL

Jefferson County, Kentucky has created a billboard-free interstate highway and strengthened its sign control requirements in the wake of *Louisville Courier Journal* reports of election law violations by billboard representatives in Louisville.

According to a February 6, 1988 story in the *Courier Journal*, 11 former employees of the Naegele office in Louisville have admitted making illegal campaign contributions to half a dozen Kentucky candidates — notably former Governor Martha Layne Collins — between 1980-85.

The employees reportedly said they were instructed to donate money to specific political candidates and were then reimbursed with company funds—a practice forbidden by state laws. Several reported that they falsified records to hide contributions, and at least one reportedly told police that such illegal activity was a "standard procedure" for Naegele.

The *Courier Journal*, in a separate story on February 26, also accused Naegele of lying to obtain billboard permits before Jefferson County enacted its new law.

Shortly after these reports, on March 22, the county commission passed an ordinance making the 37-mile Snyder Freeway, a new interstate highway, billboard-free. Naegele had already constructed one giant billboard along the high-

way. When a controversy erupted over the billboard, the company—already under attack in the press—"voluntarily" removed it. The Snyder Freeway is named after former U.S. Congressman Gene Snyder, who, ironically, has lobbied for billboard interests since leaving Congress.

The ordinance creates a new section on billboards that triples current spacing between billboards along limited access highways from 300 feet to 900 feet and requires large setbacks.

The county commission also approved an expanded city-county network of designated parkways that will include not only the existing Olmstead parkway system but also a number of newly protected arterial highways on which there would be a 500-foot setback from designated parkways, public parks, landmark properties, or historic districts. The city is currently considering the network.

Planning Commission Director Paul Bergman expressed appreciation for the leadership of Commissioner Irv Maze in making the Snyder Freeway billboard-free, of Commissioner Chris Gorman in creating the expanded designated parkway system, and of City Alderman Jerry Kleier in chairing a dedicated special city-county ad hoc sign control task force. □

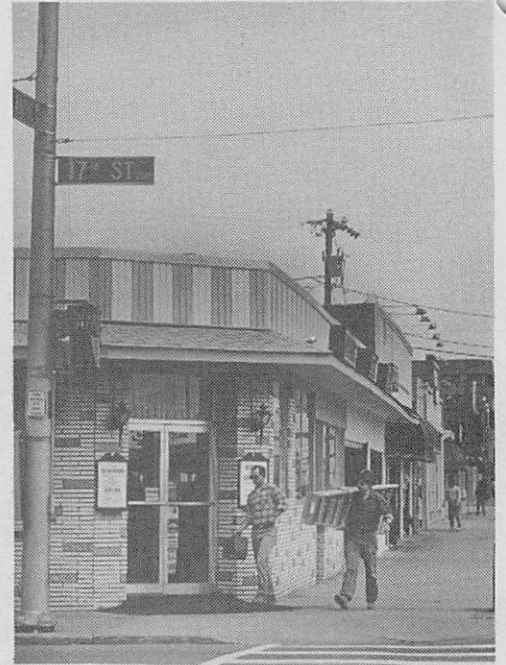
VIRGINIA BEACH: BEFORE AND AFTER



Virginia Beach Likes Her Beauty Makeover

The old 17th Street and Atlantic Avenue in Virginia Beach, Virginia is gone, but Bill Margaritis, owner of the Puritan Restaurant at the corner is *not* nostalgic. He doesn't miss the cacaphony of honky-tonk signs for bars, T-shirts, and eateries that was cleaned up recently when the deadline arrived for removal of illegal, overhanging signs at this popular East Coast beach resort. "It was a little tacky, signs hanging up and down all over," he says. "I like it better now—that's the truth. It's more neat. You can see the whole sidewalk." Virginia Beach has decided beauty is good for tourism. □

Photos by David Hollingsworth
The Virginia Pilot/Ledger Star



Around the Nation:

CITYSCAPE BRIEFS

BOSTON — On May 20, the Massachusetts Outdoor Advertising Board refused to renew 100 of the 570 permits for Boston billboards owned by Ackerly Communications, noting their proximity to parks, cemeteries, and schools.

The board said that a number of Ackerly billboards violate regulations regarding placement near parks and other public places and are not in harmony with residential neighborhoods. For several years neighborhood groups have complained that the billboards are not in keeping with their communities.

ST. LOUIS — On May 11 the Bi-State Development Agency Board of Commissioners ordered the removal from its property within the city of 19 billboards owned by Gannett Outdoor Advertising.

The vote came in response to a request by Mayor Vincent C. Schoemehl Jr. of St. Louis, which recently prohibited new billboards. The mayor's request reportedly outweighed an offer by Gannett to pay Bi-State \$19,000—\$1,000 per billboard—to allow the billboards to remain.

INDIANAPOLIS — On May 23 the Indianapolis City-County Council adopted an amendment to the existing sign control ordinance containing new restrictions on spacing and placement of billboards. Under the new restrictions, a new billboard can be built only if it is no closer than 1,000 feet—instead of the previous 750 feet—to a billboard on either side of the street. Moreover, new billboards cannot

be constructed within 100 feet of areas zoned for uses such as residences, parks, hospitals, schools, or churches.

DURHAM — The 4th U.S. Circuit Court of Appeals has ordered a U.S. District Court judge to re-open a suit by Naegele Outdoor Advertising challenging a Durham, North Carolina, ordinance that bans commercial advertising except on interstate and U.S. highways. *Naegele Outdoor Advertising Inc. v. City of Durham*, 87-1599 (4th Circuit, April 15, 1988).

The billboard company claims that the Durham ordinance violates the 5th Amendment prohibitions against taking private property without just compensation. The U.S. District Court judge had ruled without taking evidence that the city's five-and-a-half year amortization period was sufficient. The 4th Circuit Court upheld the decision under the 1st Amendment but is requiring the District Court to make a factual determination of whether amortization constitutes a "taking" under the 5th Amendment. Previous court cases have indicated the amortization of billboards does not constitute a "taking" of private property. The U.S. Supreme Court denied review of a 4th Circuit Court opinion that upheld a similar billboard ordinance in Raleigh, North Carolina. *Major Media of the Southeast Inc. v. City of Raleigh*, 792 F. 2d 1269 (4th Circuit 1986), Cert. denied, 107 S. Ct. 1334 (1987).

NIAGARA FALLS — The Niagara Falls, New York, City Council recently adopted a strict ordinance to reduce the size and number of commercial signs and billboards. The Council voted 5-2 in favor of the ordinance, which bans new billboards except in areas zoned for heavy industry. It amortizes non-conforming billboards and other outlawed signs over periods ranging from two to seven years. All portable signs are banned. Businesses in light commercial zones are restricted to one sign for each wall facing a public street. □

SIGN CONTROL HELPS TOURISM!

Almost all of America's premier vacation resorts ban billboards and control signs. Why? Because these communities know that the more they do to enhance their unique set of natural, historic, and architectural assets, the more tourists they will attract. They also know that the more one place comes to look like everywhere else, the less reason there is to visit.

Here's what state and local tourism officials have to say:

"Tourists come to Tennessee to see the scenery, not the billboards."

—Lamar Alexander, Governor of Tennessee

"One of our greatest natural resources is our scenic beauty. Although there was some initial sensitivity that removing billboards might hurt tourism, it has had the opposite effect. Tourism is up for all businesses large and small."

—Vermont Travel Division

"Logo signs take care of the tourism industry. Taking billboards down eliminates clutter and makes our product more attractive. Logo signs give small businesses more credibility than dilapidated billboards."

—Alabama Bureau of Publicity and Information

"There is a strong political support here for logo signs and against large billboards."

—Kentucky Department of Tourism

"The absence of billboards in our beautiful scenic areas certainly helps our businesses. Montana is such a beautiful place and people want to see it, not the billboards."

—Montana Travel Promotion Unit

"We have no commercial signs on Interstates. People say they can see the state now. Our mail shows that there is a great deal of appreciation for the fact that we have removed billboards. The initial concerns that business would be hurt have been completely unfounded."

—Maine Department of Tourism

"We have a tough billboard law. Tourists say the state looks great. Billboards are just another form of clutter — like the litter. We've worked on them both. Letters we get about the way our state looks are all very positive."

—Oregon Tourism Division

"We have a very clean state. Our tourists seem to appreciate how clean we are."

—Iowa Development Council

"No one lost business because of sign removal. We had a lot of signs that didn't serve tourism."

—Office of Tourism, Illinois Department of Transportation

"We don't have logos. We need them though. They would be an excellent compromise. We wouldn't want billboards back now but tourism could be helped if we could get logo signs."

—Nebraska Travel and Tourism Division

"Tourism is important to the economy of our state and the state's business community understands the need to protect and preserve the beauty of the islands."

—Hawaii, Department of Tourism

The findings above have been confirmed by a recent nationwide public opinion poll commissioned by the President's Commission on Americans Outdoors. *The poll found that "natural beauty" was the single most important criterion for tourists in selecting a site for outdoor recreation.*

CITIES BAN BILLBOARDS

Here is a partial list of the more than 1,000 cities that now ban billboards:

Anchorage, AK	Rockville, MD
Montain Brook, AL	Amherst, MA
Flagstaff, AZ	Cambridge, MA
Mesa, AZ	Provincetown, MA
Scottsdale, AZ	Missoula, MT
Little Rock, AR	Concord, NH
Beverly Hills, CA	Conway, NH
Monterey, CA	Santa Fe, NM
San Diego, CA	Taos, NM
Santa Barbara, CA	Chapel Hill, NC
Santa Monica, CA	Nags Head, NC
Aspen, CO	Shaker Heights, OH
Boulder, CO	Gettysburg, PA
Stamford, CT	State College, PA
Dover, DE	West Chester, PA
Jacksonville, FL	Hilton Head, SC
Palm Springs, FL	Gatlinburg, TN
Miami Beach, FL	Germantown, TN
St. Augustine, FL	Oak Ridge, TN
Honolulu, HI	Austin, TX
Sun Valley, ID	Park City, UT
Evanston, IL	Burlington, VT
Lake Forest, IL	Alexandria, VA
Portland, ME	Charlottesville, VA
Annapolis, MD	Williamsburg, VA
Chestertown, MD	Bellingham, WA
Frederick, MD	Olympia, WA
Ocean City, MD	Jackson, WY

MATERIALS AVAILABLE FROM THE COALITION FOR SCENIC BEAUTY

BOOKS

	Price	Quantity	Total
Visual Pollution and Sign Control: A Legal Handbook on Billboard Control , by Southern Environmental Law Center. 36 pages, 1987	\$15.00	_____	\$ _____
<i>Shows how to prepare and pass a strong local ordinance. It discusses the Highway Beautification Act, state billboard control efforts, issues in local and constitutional law. Includes recommended ordinance provisions.</i>			
Aesthetics and Land Use Controls: by Christopher Dirksen, American Planning Association, 45 pages, 1986	\$12.00	_____	\$ _____
<i>Looks at view protection; building design review; landscaping and tree protection; and regulating signs, billboards, satellite dishes and other forms of outdoor communications.</i>			

NEWSLETTER

Sign Control News: a bi-monthly summary of news, legal decisions, and other developments regarding sign control, view protection and other aesthetic regulations. (One year subscription.)	\$20.00	_____	\$ _____
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FACT SHEETS

What's Wrong with Billboards	\$ 1.00	_____	\$ _____
Billboard Control: Facts and Myths	1.00	_____	\$ _____
Billboard Control: What's Going on Around the Country	1.00	_____	\$ _____
Sign Control and Economic Development	1.00	_____	\$ _____
Model Ordinance Provisions	1.00	_____	\$ _____
Examples of Cities Which Ban Billboards	1.00	_____	\$ _____
Logo Signs	1.00	_____	\$ _____
Tree Cutting	1.00	_____	\$ _____
Highway Beautification Act	1.00	_____	\$ _____

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For more information, write or call:

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NEW PUBLICATIONS

STREET GRAPHICS AND THE LAW — Revised edition. Daniel R. Mandelker and William R. Ewald, APA Planners Press, 1988. 207 pp. \$32.95 (paperback); library edition \$49.95 (hardcover). Available from Planners Bookstore #1313, E. 60th Street, Chicago, Illinois 60637.

For more than a decade communities wanting to control sign clutter and billboards have increasingly turned to *Street Graphics and the Law* as their basic "how-to" manual.

The first edition, published in 1971, is an award-winning classic that provides a whole street design system. It includes ways to control on-premise signs, make them more attractive and readable, and yet provide advertisers with the freedom to communicate.

The new edition gives us the benefit of the experience of communities across the country that used the system. It features expanded administrative and legal guidance based on 35 communities that adopted the first model ordinance and court decisions related to on-premise sign regulation, free speech law, and amortization to remove non-conforming signs.

THE BEST CONGRESS MONEY CAN BUY — Philip M. Stern, Pantheon Books, New York, 1988. 322 pp. \$18.95. Paper.

It is no accident that Philip Stern's meticulous documentary focuses on the billboard industry as one of three case studies of influence-buying on Capitol Hill. *The Best Congress Money Can Buy* attributes the unusual success of this relatively small industry to a strategy of targeting select members of the House and Senate public works committees for generous honoraria, paid travel, and political action contributions. As one glaring example, the book focuses on the late Rep. James Howard, who was chairman of the House Public Works Committee.

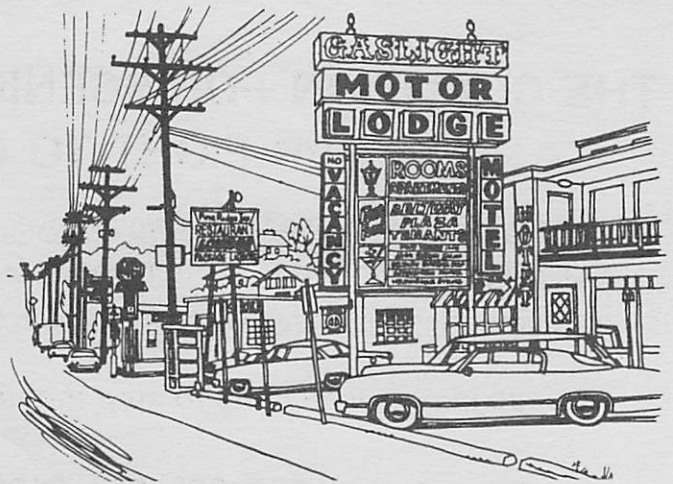
Stern gives a fascinating account of how other, normally environmentally conscious Members of Congress were influenced to vote with the industry by honoraria, paid staff trips, and other favors. The book also gives a concise history of the legislative battle over the Highway Beautification Act and discusses billboard industry tactics.

CONSERVATION EASEMENT HANDBOOK — *The Conservation Easement Handbook: Managing Land Conservation and Historic Preservation Easement Programs*. Janet Diehl and Thomas S. Barrett. Land Trust Exchange and Trust for Public Land with the Public Resource Foundation, 1988. 289 pp. \$19.95, trade paperback. Available from Land Trust Exchange, 1017 Duke Street, Alexandria, VA 22314. Add \$2.75 postage and handling first copy. Call 703-683-7778 for bulk orders.

The Land Trust Exchange and the Trust for Public Land, two leading land conservation authorities, have just published the complete guide to conservation easements. Conservation easements not only represent popular mechanisms for land conservation and historic preservation but can also be effective tools for controlling billboard blight in scenic areas.

Because conservation easements allow property to stay in private hands while protecting its public resource values, they are particularly flexible and cost-effective. Conservation easements currently protect some two million acres of farmland, forests, trails and river corridors, wildlife habitat, scenic and recreational lands, historic landscapes and buildings and urban parks.

Based on a survey of more than 200 easement programs and interviews with leaders in the field, the handbook covers the practical aspects of acquiring and holding easements, important legal issues, and model land conservation and historic preservation easements with drafting guidelines. This handbook could become "the land protector's bible." □



BEFORE - applying the street graphic system and removal of utility poles



AFTER

From *Street Graphics and the Law*.

COLORADO SUPREME COURT UPHOLDS BILLBOARD REGULATIONS

In four different cases over the past two years, the Colorado Supreme Court has ruled in favor of the state Department of Highways in its efforts to control outdoor advertising.

In its latest ruling, the court upheld the department's view that the National Advertising Company violated the size limitations specified by state law. The court agreed that state law supersedes local ordinances. *National Advertising Company v. Department of Highways*, 751 P 2nd 632 (March 7, 1988).

In separate decisions, the court again upheld state requirements that placed regulations on the spacing of signs as within governmental interests and rejected the charge that the repeal and reenactment of a state law in 1981 constituted retroactive legislation. *Orsinger Outdoor Advertising, Inc. v. Department of Highways*, 752 P 2nd 55 (February 22, 1988) and *National Advertising Company v. Department of Highways*, 718 P 2nd 1038, respectively.

In a case involving the right to free speech, a Colorado rancher was ordered to remove a number of noncommercial billboards along the highway. The court disagreed with the rancher's contention that his right of free speech was being abridged *Pigg v. State Department of Highways*, 746 P 2nd 961 (November 30, 1987). □

THE COALITION FOR SCENIC BEAUTY NEEDS YOUR HELP IN OUR FIGHT TO SAVE OUR SCENERY.

We are now working with cities and towns all over America, helping them halt the spread of visual pollution. We need your help to protect the character of our communities and to preserve our scenic heritage. Please sit down right now and write out a check for \$30 or more to help us fight the ugliness lobby.

Please join us in helping to stop the ruthless destruction of our scenic heritage.

Please send \$20, \$30, \$50, \$100 or whatever you can give today.

Send to:

COALITION FOR SCENIC BEAUTY

218 D Street, SE, Washington, D.C. 20003

YES! I want to help **Save Our Scenery**. Enclosed is my check for \$ _____.

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