# Sign Control News

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

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## CITIES MAY BAN SIGNS ON PUBLIC PROPERTY, SAYS SUPREME COURT

The Supreme Court in a May 15, 1984 decision, upheld the right of a city to prohibit the placing of signs on public property. Such a prohibition is not a constitutional violation of the sign user's First Amendment guarantee of free speech, said the court, in its 6-3 opinion. (Members of the City Council of the City of Los Angeles et al v. Taxpayers for Vincent et al)

Background. The case arose from a challenge to a City of Los Angeles ordinance banning the placement of signs of any type on public property. The plaintiffs, a group of supporters of a candidate for election to the City Council, had had their 15" x 44" cardboard campaign signs removed from utility poles by city workers. The plaintiffs filed suit alleging that the ordinance abridged their freedom of speech. The District Court upheld the ordinance, but was reversed by the Court of Appeals, 9th Circuit, which reasoned that the ordinance was presumptively unconstitutional because First Amendment rights were involved, and that the City failed to justify its total ban on signs on the basis of its interest in preventing visual clutter, minimizing traffic hazards, and preventing interference with the intended use of public property.

Were Plaintiff's Constitutional Rights Infringed? The Supreme Court rejected the Appeals Court argument that the Los Angeles ordinance is overbroad and therefore unconstitutional "on its face." The ordinance, said the Supreme Court, has no different impact on the free speech interests of third parties than it has on the plaintiffs. The significant question, said the Court, is whether the ordinance specifically violates the expressive activity of the plaintiffs. The court affirmed that "the

state may sometimes curtail speech when necessary to advance a significant and legitimate state interest". In this instance, it said the issue is to determine if the ordinance regulates speech in ways that favor certain viewpoints at the expense of others. The court found that the ordinance is neutral both in its text and application, with no hint of bias or censorship. Thus the court sought to determine whether the interests of the government are "sufficiently substantial to justify the effect of the ordinance on appellee's expression, and whether that effect is no greater than necessary to accomplish the City's purpose."

Municipalities Can Protect Esthetic Quality. The court concluded that:

> "....municipalities have a weighty, essentially esthetic interest in proscribing intrusive and unpleasant formats for expression."

Discussing its Metromedia, Inc. v. City of San Diego opinion (453 U.S. 490, 1981), the court recalled that San Diego's interest in "avoiding visual clutter" (emphasis added) was "sufficient to justify a prohibition of billboards." "San Diego's interest in its appearance," continued the court, "was undoubtedly a substantial governmental goal."

> "We reaffirm the conclusion of the majority in Metromedia. The problem addressed by this ordinance--the visual assault on the citizens of Los Angeles presented by an accumulation of signs posterd on public property--constitutes a significant substantive evil within the City's power to prohibit. '[T]he city's interest in attempting to preserve [or improve] the quality of urban life is one that must be accorded high respect' Young v. American Mini Theatres, 42 U.S. 50, 71 (197 6)."

Is the Ordinance Unduly Harsh in the Way it Protects the City's Esthetic Interests? In reviewing whether or not the effect of the ordinance is greater than necessary to accomplish the City's purpose in protecting community appearance, the court ruled that the ordinance "curtails no more speech than is necessary to accomplish its purpose." A ban on signs is reasonable said the court, because the problem--"visual blight"--is created by the medium of expression itself" (emphasis added). Hence the medium can be legitimately banned.

Furthermore said the court, the plaintiffs can use alternative ways of communicating their message to the public. While the court agreed that the City could have written an ordinance allowing an exception for the posting of temporary political signs on public property, such a discrimination might raise constitutional issues for other sign users not granted an exception. The court concluded:

> "...we accept the City's position that it may decide that the esthetic interest in avoiding 'visual clutter' justifies a removal of signs creating or increasing that clutter."

At the end of its opinion, the Court gave a resounding affirmation of a City's right to defend the public's esthetic interests:

> "As recognized in Metromedia, if the city has a sufficient basis for believing that billboards are traffic hazards and are unattractive, 'then obviously the most direct and perhaps the only effective approach to solving the problems they create is to prohibit them.' 453 U.S., at 508. As is true of billboards, the esthetic interests that are implicated by temporary signs are presumptively at work in all parts of the city, including those where appellees posted their signs, and there is no basis in the record in this case upon which to rebut that presumption. These interests are both psychological and economic. The character of the environment affects the quality of life and the value of property in both residential and commercial areas. We hold that on this record these interests are sufficiently substantial to justify this content neutral, impartially administered prohibition against the posting of appellees' temporary signs on public property and that such an application of the ordinance does not create an unacceptable threat to the 'profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.' New York Times Co. v. Sullivan, 376 U.S. 254, 270 (1963)."

## ILLEGAL SIGN BATTLE NEVER ENDS

It's clear that many cities have a long way to go in educating their citizens to keep their cities free of sign clutter, and in enforcing existing visual pollution laws. In its City of L.A. v. Taxpayers for Vincent decision, the Supreme Court noted that 48 of Vincent's signs had been removed during a one week period along with 1,159 other signs, many of which were commercial in character.

That's a lot of signs for a one week haul, and it makes one wonder what other cities do about illegally posted signs and the visual clutter they create.

## MAINE REMOVES LAST TWO BILLBOARDS

On June 7, the State of Maine removed the last two billboards from its interstate and primary road systems. The signs were removed under a Maine state law passed in 1977 that provided for a complete phase-out of all off-premise billboards in the state over a period of six years.

In 1972, Maine was the first state in the nation to take down a billboard under the federal Highway Beautification Act of 1965, which requires removal of all signs not conforming to the requirements of that law on interstate and primary highway systems. The stricter Maine law required removal with just compensation of all billboards on those systems, plus removal through amortization of billboards on secondary roads. A few signs on secondary roads are still being amortized.

Ironically, the last two signs are in York County, home of founding president for the Coalition for Scenic Beauty, Marion Fuller Brown, one of the major proponents of the Maine state law. Mrs. Brown attended the removal ceremony, along with federal and state highway officials.

## CONGRESS CONSIDERS AMENDMENTS TO THE HIGHWAY BEAUTIFICATION ACT AND MORE IN HIGHWAY BILLS

In early June, both the House and Senate advanced federal aid highway bills that include amendments related to highway beautification and/or outdoor advertising. In the Senate, the Committee on Environment and Public Works approved June 6 a highway bill, S. 2527, that includes a provision encouraging the use of native wildflowers in highway landscaping. On June 7, the House of Representatives passed its highway and mass transit bill, H.R. 5504, which contained an identical provision on wildflowers, but also included a number of provisions related specifically to outdoor advertising, including an authorization of new funds for billboard removal and new measures to protect the outdoor advertising industry.

Billboard Removal Funds. The House of Representatives has included $5 million each year for fiscal years 1985 and 1986 for billboard removal under the Highway Beautification Act in its highway bill, "The Surface Transportation Assistance Act of 1984," H.R. 5504. The funds would come from the Highway Trust Fund, which means they could be allocated to the states for billboard removal without further appropriation by Congress. No funds have been appropriated for billboard removal since fiscal year 1983, when Congress provided $500,000 for this purpose.

This new funding would have the effect of appearing to to keep the highway beautification program alive while allowing for removal of only a very small portion of remaining nonconforming signs. According to FHWA, it would cost $1 billion to remove these signs, meaning the federal government would need $750 million to fund its 75 percent share of the removal cost.

The highway bill approved by the Senate Environment Committee contains no funds for billboard removal. That committee is chaired by billboard foe Senator Robert Stafford (R-VT), who has opposed further funding of the Highway Beautification Act until it is reformed to more effectively control billboards. The bill is expected to clear the full Senate without the inclusion of these funds.

Clarification on Just Compensation. The House highway bill includes an amendment to the Highway Beautification Act which specifies that a state can provide full funding for billboard removal if it desires to do so. The current law states that the federal share of just compensation for billboard removal shall be 75 percent. Although the Federal Highway Administration has allowed states to provide a greater share of the funding if they wish in order to proceed with billboard removal in the absence of federal funding for the program, the law could be read to prohibit such an arrangement. To clarify that states can remove billboards on their own, the amendment says that the federal share of just compensation shall by 75 percent "or such lesser percentage as may be agreed upon by the Secretary and the State."

Payment for Sign Relocation. The House highway bill contains a third set of amendments--not related to the Highway Beautification Act--which provides new assurances to outdoor advertisers that they will receive payment when their signs are removed or relocated. The most significant amendment is to the Federal Mass Transportation Act. It prohibits any state or local public body or agency thereof from removing without paying relocation costs any "structure or structures" from the property of a federally aided mass transportation system if the structure's owner pays rent to the state, unless (1) the displacement is necessary for the operation, maintenance, or construction of the system or (2) the displacement is in accordance with the terms of the rental agreement and is expressly authorized by state statute. This would mean that for

advertisements on buses, in subway stations, on bus benches, etc., the state could not require them to be removed even at the end of the rental agreement without paying relocation costs, unless the state passed a law specifying it could do so.

A similar amendment was added to the Federal Aid Highway Act, but its application appears to be highly limited because states cannot rent out highway rights-of-way along federally aided highways, and the amendment applies only to structures on which rental payments are made to the state.

A final amendment modifies the Uniform Relocation Assistance Act, which outlines federal policies for dealing with persons displaced as a result of federal and federally aided projects. The amendment makes it possible for certain outdoor advertisers whose signs are dislocated by a federal project and who under current law would be eligible only for relocation expenses to qualify for a fixed payment equal to the average annual net earnings from the signs if they would incur a substantial loss by relocating them.

Native Wildflowers. Both the House and Senate bills include provisions requiring that one quarter of one percent of the funds spent on landscaping projects in highway rights-of-way be used for the planting of native wildflower seeds and seedlings. The Secretary of Transportation could waive the requirement if a state certifies that wildflowers cannot be grown satisfactorily or the planting space is too small.

This provision, sponsored by two Texans, Senator Lloyd Bentsen (D) and Rep. Tom Vandergriff (D), grows out of the experience of the state of Texas in planting wildflowers along highways. In addition to enhancing the roadway environment, Texas found that wildflower plantings cut mowing costs by nearly 25 percent, reduced the number of annual waterings from 20 - 30 to 5 - 6 percent, and that littering was less severe where wildflowers had been planted. This provision is uncontroversial and is expected to pass if the highway bills pass.

Outlook. A Senate floor vote on the highway bill has not yet been scheduled, but the bill could move quickly. (The mass transit provisions in the Senate are included in a separate bill still before the banking committee). The differences between the House and Senate bills will have to be worked out in conference committee. Even at that, the bill's fate is uncertain because both versions--but especially the House version-approve extensive funds for new projects. The Department of Transportation has threatened to recommend a veto if the bill's final cost is too high.

## AGREEMENT REACHED ON CIGARETTE ADVERTISING WARNINGS

National health groups, the tobacco industry, the billboard industry, and leaders in the House of Representatives have agreed on a bill that would require the inclusion of four rotating health warnings on cigarette packages and advertisements, including advertising on outdoor billboards. Cigarette advertising accounts for a substantial portion of the outdoor advertising space in America.

The agreement has been incorporated in a bill, H.R. 3979, approved by the House Energy Committee May 23. Under this bill, the four different health warnings required for billboards would be similar to, but slightly shorter than, those required for cigarette packages. The warnings will all begin with "Surgeon General's Warning:," to be followed by one of the following: (1) "Smoking Causes Lung Cancer,

Heart Disease, and Emphysema;" (2) "Quitting Smoking Now Greatly Reduces Serious Health Risks;" (3) "Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth;" and (4) "Cigarette Smoke Contains Carbon Monoxide." The warnings are to be rotated every three months. The report by the Energy Committee describing the bill says that the warnings on billboards need only be changed when the billboard is replaced, repapered, or repainted, but supporters of the compromise say most billboards are retouched every three months or at least every six months.

The warnings will continue to appear in the same size and location as the current warnings. However, they will be printed in all capital letters that are equal in height to the tallest letters in current warnings (currently they are in upper and lower case) and will be enclosed by a thick black border. This will make the warning more noticeable, but probably will do little to make it more readable.

The bill is expected to pass the House of Representatives. In the Senate, Senator Orrin Hatch (R-UT) is expected to offer the House version of the bill in place of his original cigarette warning bill, S. 772. That bill, which has been awaiting a floor vote since last July, does not cover advertising on billboards.

## UPDATE: HIGHWAY BEAUTIFICATION STATUS REPORT

Despite 18 years of effort, only 49 percent of signs considered nonconforming under the Highway Beautification Act has been removed, according to the Federal Highway Administration's "Annual Statistical Progress Report" on the highway beautification program for fiscal year 1983. Some highlights from the report:

-- Nonconforming Signs. In 1983, only 2,235 nonconforming signs--signs that were legally erected but now fail to meet the requirements of the Highway Beautification Act--were removed. 123,826 nonconforming signs, or 51 percent of the original total, remain to be removed.

-- Illegal Signs. Progress on removing illegal signs is better. 11,640 illegal signs were removed in 1983, bringing the total removed to 472,445 or 91 percent of all illegal signs. However, one must wonder why all illegal signs have not been torn down by now.

-- Legal Signs. In total, there are 143,234 nonconforming and illegal signs yet to be removed under the Highway Beautification Act. But even if these signs all were removed, another 334,242 outdoor advertising signs would remain that are not required to be removed under the Act. These are either directional, official, or landmark signs, or signs in zoned and unzoned commercial and industrial areas on the interstate and primary systems.

-- State Esthetic Rankings. FHWA prepares a "highway esthetic quality" ranking based on the number of signs outside the right-of-way per 10 miles of highway. The 10 best looking states or territories as of September 30, 1983, are, in descending order: Hawaii, Alaska, District of Columbia, Idaho, Puerto Rico, Nevada, Utah, Washington, Montana, and Oregon. The states with the ugliest roadways based on high numbers of outdoor advertising signs are: North Carolina, Louisiana, Pennsylvania, Arizona, Mississippi, Arkansas, Florida, New Jersey, Iowa, and Kentucky.

States not reporting sufficient information to determine their ranking are: Maryland, Michigan, Minnesota, New Hampshire, South Carolina, Tennessee, Virginia, and Wisconsin. According to an FHWA official, the filing by states of information needed for the report is voluntary, not mandatory.

## STATES THAT PROHIBIT AMORTIZATION OF SIGNS

The Highway Administration says that 26 states have passed laws prohibiting local governments from removing signs--at least along the interstate and primary systems--through their police power; instead "just compensation" is required. A requirement for local compensation for such signs was included in the 1978 Amendments to the Highway Beautification Act, and many states have passed laws to conform the federal law. States with just compensation laws are:

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| Arizona | Louisiana | New Jersey | Utah |
| Arkansas | Maryland | New Mexico | Virginia |
| Connecticut | Michigan | North Dakota | Washington |
| Florida | Minnesota | Ohio | Wisconsin |
| Georgia | Mississippi | Oklahoma | Wyoming |
| Indiana | Missouri | South Carolina | |
| Kentucky | Nebraska | Tennessee | |

## OUTDOOR ADVERTISERS SCORE SECOND HIGHEST PAYMENT OF HONORARIA TO SENATORS

Outdoor advertisers paid $58,500 to U.S. Senators for speaking engagements in 1983. The billboard industry placed second in a ranking of top honoraria givers, spending just slightly less than the United Jewish Appeal, which paid $61,000 in speaking fees.

The payments by outdoor advertisers were made to 27 different Senators. The speaking fees were often split among the Outdoor Advertising Association of America (OAAA), the Association's state affiliates, the Institute of Outdoor Advertising, and advertising firms including Gannet and Eller. OAAA itself contributed $27,500 of the total.

OAAA itself was the second highest honoraria giver in 1982, with payments totalling $30,500. The study for that year does not include other advertising associations or firms.

These figures come from a study, entitled "Talk Ain't Cheap," prepared by Common Cause. They are based on the financial disclosure reports filed annually by U.S. Senators. In 1983, the Senate voted to limit honoraria payments in 1984 to 30 percent of a Senator's annual salary.

## SOUTHAMPTON WINS LONG-FOUGHT BILLBOARD BATTLE

After years of court battles, the town of Southampton, New York, removed the last of its off-premise signs earlier this year. The town's law, passed in 1970, called for amortization of signs over a five-year period, with final removal in 1975.

The removal of the signs was held up by a series of court challenges by three billboard companies, who first challenged the law's constitutionality, and then the reasonableness of the length of time for amortization. The town prevailed in both cases.

During the period of litigation, Congress adopted the 1978 amendments to the Highway Beautification Act, which required the payment of just compensation (i.e. cash) for removal of signs along the interstate and primary systems even if they were removed under local ordinances unrelated to the federal Act. The federal Department of Transportation notified the New York Department of Transportation that it would be in jeopardy of losing 10 percent of its annual highway funds if Southampton violated the 1978 compensation requirement.

In response, the New York legislature began moving a bill to prohibit the removal of outdoor advertising signs by localities without payment of just compensation. In the meantime, Southampton obtained a court order to remove the signs and took them down. The legislature subsequently approved the just compensation law, but it was vetoed by Govenor Cuomo. Similar bills had been vetoed by Governor Cuomo in 1983, and former Governor Cary in 1982.

But the story continues. In order to avoid the 10-percent fund-loss penalty, the state highway department has agreed to pay compensation for those signs removed by Southampton along the primary system. In addition, the N.Y. Department of Transportation has taken another try at drafting a just compensation measure that is veto proof. Where the previous bills required a municipality to provide just compensation for removal of any outdoor advertising sign, the new legislation requires compensation only for those signs covered by the Highway Beautification Act along the interstate and primary systems. The new bill is pending in the New York state legislature; action on the measure would have to occur before July 1, the legislature's adjournment date.

## SIERRA CLUB APPEALS DECISION ON SOUTH CAROLINE BILLBOARD CASE

The Sierra Club Legal Defense Fund (SCLDF) has appealed an 11th Circuit Court of Appeals decision that dismisses the Fund's suit against the Federal Highway Administration, Department of Transportation (Sierra Club v. Rex C. Leathers.) In a suit filed March 17, 1982, SCLDF alleged that the State of South Carolina is not exercising "effective control" over the erection and maintenance of billboards on federal-aid highways as required by the Federal Highway Beautification Act (23 U.S.C. 131), and that the Secretary of Transportation, acting through the Federal Highway Administration (FHWA), has failed to insure South Carolina's compliance with the law. Failure of a state to maintain "effective control" of signs is cause for a 10-percent reduction in the state's highway fund allocation from the federal government according to 23 U.S.C. 131(b), charges the Fund.

The specific action for which SCLDF sought judicial review was a 1981 determination by FHWA Administrator for Region 4, Rex Leathers, that South Carolina was exercising effective control of signs even though an FHWA factfinding team had earlier determined that South Carolina was not effectively controlling outdoor advertising. It is SCLDF's contention that the Regional Administrator's decision had no basis in law or fact, and that South Carolina has violated and continues to violate the Highway Beautification Act by:

"(1) allowing billboards and other outdoor advertising signs and devices to be erected and maintained in violation of spacing requirements;
(2) engaging in "phony zoning" and permitting billboards to be erected and maintained in areas which are neither commercial nor industrial;
(3) allowing or engaging in the practice of cutting trees and removing vegetation on the federal right-of-way to improve the visibility of existing billboards, including illegal and non-conforming billboards, and proposed or planned new billboards;
(4) failing to remove expeditiously thousands of illegal billboards visible from the interstate and federal aid primary highways in South Carolina;
(5) failing to remove expeditiously non-conforming billboards within the state; and
(6) allowing the replacement of non-conforming billboards which have been destroyed, abandoned or discontinued."

The District Court ruling of August 19, 1983, held that 23 U.S.C. 131(b) gives the Secretary of Transportation "discretionary authority, first to determine whether a state has made provision for effective control of billboards and signs and, second, to reduce federal highway aid to a state that has not made such provision." The Highway Beautification Act, said the court, "contains no express requirement that the Secretary make a determination as to each state's provision for compliance." Hence the plaintiff has no cause for action, and the complaint is dismissed.

In its appeal filed March 9, 1984, SCLDF argues that a determination by the Federal Highway Administrator that a state is maintaining "effective control" of signs is subject to review under the Administrative Procedure Act, and that the Fund should be allowed to pursue its original suit.

## IF A BILLBOARD CAN'T BE SEEN, THEN CUT THE TREES!

Incredible as it may seem, trees in the publicly owned right-of-way are being cut down with FHWA's blessing so that billboards on adjacent private property can be seen. This practice is especially common in southeastern states where vegetation grows fast.

FHWA policy on tree destruction, euphemistically called "vegetation maintenance" was promulgated in a March 15, 1977 memorandum. FHWA says that it is the state's responsibility to determine whether or not to enter into agreements whereby outdoor advertisers would execute and pay for "vegetative removal" (i.e., tree cutting). States have this authority, claims FHWA, under the maintenance responsibilities of 23 U.S.C., sections 101 and 116, which require the state to "preserve the entire highway including roadsides for its safe and efficient use, within its own laws and maintenance policies, good landscaping practices, and the guidance provided by the AASHTO Maintenance Manual." (AASHTO is the American Association of State Highway and Transportation Officials).

According to the FHWA Office of Engineering, Highway Design Division, two states in Region 4--North Carolina and Tennessee--have laws mandating their departments of transportation to enter into agreements with billboard companies to cut vegetation. Mississippi has a statute giving the state transportation department discretion to enter into such agreements. Four other states--Florida, Georgia, Alabama, and South Carolina--have the administrative discretion to permit tree cutting, but have adopted no specific state laws on the subject.

FAYETTEVILLE, ARKANSAS,
BILLBOARD CONTROL LAWS UPHELD

Two Fayetteville, Arkansas, ordinances establishing size, location, and minimum setback requirements for billboards were left unchallenged when the U.S. Supreme Court decided April 30, 1984 not to review the case (Donrey Communications Co., Inc. v. City of Fayetteville, Ark.). Fayetteville's attorney, James McCord, told Sign Control News that the efforts of the city's Board of Directors to preserve the esthetic beauty of the city can now go forward.

Background. A 1970 city zoning ordinance limits the erection of billboards to commercial areas. In 1972, Fayetteville passed a sign ordinance prescribing the following requirements for off-premise signs:

(1) maximum size: 75 sq. ft.
(2) maximum height: 30 ft
(3) setback requirement: 40 ft
(4) nonconforming signs to be amortized over a four-year period, after which they must be removed without cash compensation.

The laws were challenged by Donrey Communications Company, owner of 60 billboards, all of which substantially exceeded the size limitation and some of which were located outside the areas where billboards were permitted. Among other things, Donrey charged that the size and location restrictions violate its freedom of speech under the First Amendment, and that the amortization provision violates the federal Highway Beautification Act provisions for just compensation and the Arkansas Highway Beautification Act. Donrey further alleged that the City's billboard restrictions are unrelated to any significant public health, safety, or welfare interest.

Arkansas Court Decision. Since the U.S. Supreme Court refused to review the case, the opinion of the Arkansas Supreme Court stands and the case is finally closed after 12 years. Some brief excerpts from the Arkansas opinion (see Ark Sup Ct, 280 Ark 408, 660 SW2d 900):

(1) Ordinances Do Not Abridge Speech. "The ordinances, as applied to appellant, its advertisers and the viewers of the billboards are content neutral...The ordinances seek to implement a substantial governmental interest and they directly advance that interest...The preamble to the sign ordinance provides that the purpose of the ordinance is to promote the reasonable, orderly and effective display of signs, to promote safety and to preserve natural beauty...The goals which the city seeks to further are substantial governmental goals...The ordinances...are as narrowly drawn as is practically and legally possible..."

(2) Free Speech Not Prohibited. "Here, the billboard channel of communication is not prohibited, it is only limited as to size and place...The law is settled that "a municipality may enforce a rule that curtails the effectiveness of a particular means of communication" Metromedia, Inc. v. San Diego...The First Amendment affords less protection to the medium than the message..."

(3) Not a Prohibition of a Lawful Business. "Ordinances limiting the right to maintain billboards are not unreasonable as a matter of law...The city board obviously concluded that the appearance of the commercial and industrial districts would be aesthetically enhanced by the elimination of billboards...

Many courts have rejected the argument that it is unreasonable to prohibit billboards on commercial and industrial areas of little, if any, natural beauty."

(4) Amortization Not A Taking. "The test to be used in determining whether an amortization requirement is constitutional is the test of reasonableness...On the facts of this case the four year amortization period was fair...The principle of amortization rests on the reasonable exercise of the police power, and the financial detriment imposed upon a property owner does not constitute the taking of private property within the inhibition of the constitution [of Arkansas]."

(5) Federal and State Beautification Acts. The court did not address the alleged violation of the federal law. It did find that the provision of the Arkansas Highway Beautification Act precluding a city from requiring the uncompensated removal of billboards does not apply because it was passed in 1981, four years after Fayetteville's period of amortization for nonconforming signs expired. The court declined to apply the 1981 law retroactively.

## GARNER, NC, LIMITS ERECTION OF BILLBAORDS TO IMPROVE APPEARANCE

The Raleigh Times (5/8/84) reports that the Board of Alderman of Garner, N.C., (pop. 10,073) has unanimously approved an ordinance limiting billboards to four-lane-highways, (U.S. 70 and U.S. 401), and banning them elsewhere in the town. Signs must be set back at least 50 feet from the right-of-way and be 2,500 feet apart if they face the same road. Size is limited to 150 $ft^2$, and height to 25 feet.

The board's next step is to deal with nonconforming signs. Pending is a proposal that would allow signs not in conformance with the new ordinance to stand for three years, after which they must be taken down. What's behind these moves? "We're looking for a very favorable impression of the town from one end to the other," said Rex Todd, Director of Community Development (quoted in the Raleigh Times, 4/18/84).

## SEND US YOUR STORIES

Sign Control News needs your help in reporting on billboard, sign control, and highway and community beautification efforts around the country. Perhaps you work with a citizens group, garden club, or environmental group that's trying to protect your state's appearance and beauty. Please keep us informed about your projects and legislative initiatives. If you work for a city planning or legal office, let us know about your existing ordinances and current initiatives to revise them. If you're involved in litigation, keep us informed about the case. We also want to know about efforts of state highway departments to enforce billboard laws, establish logo sign information systems, prohibit the destruction of trees in the public right-of-way, and improve roadside beauty and amenities. Let us know what's going on in your state.

*Sign Control News* is published by the Center for Sign Control, a project of the Coalition for Scenic Beauty. The center provides research, information, and counsel to associate members interested in improving the quality of America's urban and rural environments through the control of signs and billboards. For membership information, write the Center for Sign Control, 1511 K St., N.W., Suite 1100, Washington, DC 20005 or call William J. Chandler at (202) 783-7762.