TEXAS ENACTS
COMPROMISE BILLBOARD LAW

Texas Governor Mark White has signed into law a compromise billboard bill that will reduce the ability of Texas cities to remove billboards and restrict sign size but will substantially improve billboard control in unincorporated areas in the state. Although the Houston-based anti-billboard group Billboards Limited said it was disappointed with provisions in the bill that will restrict local control efforts, it said the bill is not as bad as legislation vetoed by Governor White in 1983. This was due in large part to successful coalition-building by Billboards Limited in Houston, which caused the Harris County delegation (where Houston is located) to switch from a 16 to 8 vote in favor of the billboard lobby in 1983 to a 5 to 20 vote against the lobby this year. In fact, Houston held out against the compromise even after other municipalities gave in, winning some additional concessions for the city. The compromise bill is testimony to the success of citizen organizing in Houston, but the lack of such organization across the state.

The complex law contains the following major provisions:

Billboard Removal in Cities with Amortization Laws. The major issue at debate in the law was whether cities would be required to pay cash compensation for the removal of billboards that were legal at the time an ordinance was passed but that do not conform with ordinance requirements. The new law strikes a compromise on this issue. Cities that had adopted a law as of June 1, 1985, requiring the removal of such nonconforming signs through amortization may still remove such signs without cash compensation, but the amount of time a sign can stand before
removal is to be determined by a municipal board in accordance with standards set out in the law. The board must be composed of two real estate appraisers, an architect, an employee of the state highway department, and a local sign business person. Some signs that could be brought into conformance with the ordinance at a very low cost would be allowed to remain if the necessary reconstruction is completed at the sign owner's expense. Other signs may be kept in place for a period of time to be calculated according to a formula outlined in the law that is based on the "useful" life of the sign as determined by the municipal board.

Some 14 to 18 cities in Texas, including Houston, had adopted amortization laws prior to June 1 and thus fall under this new provision. Although these cities can still remove nonconforming signs without cash payments, the signs are expected to remain longer under the new requirements than they would have prior to the adoption of the new law.

Future Sign Removal Methods. Texas cities that did not have an amortization requirement in place as of June 1 must pay compensation for the removal, relocation, or reconstruction of nonconforming signs. The amount of compensation is to be determined by the municipal board in accordance with criteria outlined in the law. Recognizing, however, that most cities do not have ready cash to allocate to billboard removal, the law authorizes several mechanisms for making these payments. For example, cities can compensate sign owners by reducing their municipal property taxes or can set up special funds to be used to pay cash compensation by issuing revenue bonds for this purpose or by allocating taxes paid on signs to a special compensation fund.

Extraterritorial Jurisdictions. In a significant victory for the city of Houston, the new law allows any municipality to extend the provisions of its sign ordinance within its "extraterritorial jurisdiction" (ETJ). Houston has been fighting for two years for such control in its 2,000-square-mile ETJ, an area four times as large as the city itself. Houston extended its ordinance under the new law on May 29, meaning that by and large there will be no billboards on the thousands of miles of new roadways that will be built in the Houston area over the coming decades.

Other Provisions. The bill contains several other provisions including allowing Harris County to regulate portable signs and setting some height, size, and spacing limitations for signs in unincorporated areas. In addition, Houston negotiated a side agreement (not embodied in the new law) with two sign companies for the immediate removal of some 35 billboards in three scenic districts.

In sum, the new law presents new obstacles to Texas cities that want to require removal or reconstruction of existing signs. As a result, Billboards Limited is encouraging all Texas cities to immediately ban new billboard construction so as to limit the need to compensate for removal of such signs in the future. On the other hand, the law presents new opportunities for sign control in extraterritorial jurisdictions, and Billboards Limited and the Texas Municipal League will be working to encourage cities throughout Texas to extend their ordinances into these areas.
KNOXVILLE EMBARKS
ON SIGN CONTROL EFFORT

Concerned citizens in Knoxville, Tennessee, are trying to put more teeth in their sign control ordinance. So far, enforcement of the law has been lax. To counter that, the city council on May 17th appointed a special committee to look into problems with the ordinance. The council failed, however, to pass a six-month moratorium on billboard construction, causing one anti-billboard group to be skeptical that the city council will take any action to curb erection of new signs in Knoxville. "I believe we're making progress," says Maria Compere of Knoxville Green, a member of the Coalition for Scenic Beauty. "But the sign people are well entrenched. If we don't get the city council to pass an acceptable ordinance fast, we'll put this issue on the November ballot as a referendum."

Compere is one of the members of the special committee created by the city council to study the billboard problem. Her opponents, local billboard company executives, also sit on the committee, as do other billboards control advocates and interested citizens.

"There have been a lot of arguments in this committee," acknowledges Bruce McCarty, the committee's chair and a Knoxville architect. "But most of the people on the committee favor stricter billboard control." The committee is looking at both enforcement and fundamental changes to the law itself. The lack of enforcement has taken up much of the committee's time, and they have formed a subcommittee to examine the issue further.

When Knoxville's sign control ordinance was first passed, no money was allocated to enforce the law, so that the responsibility fell to the overburdened Inspection Bureau. "My inspectors have to enforce building codes and zoning laws," says Chief Building Inspector Charles Cummings. "Billboard control is a low priority for us."

Committee members say they would like to assign a full-time inspector to enforce the billboard control ordinances. Chairman McCarty says $50,000 could cover an inspector's salary and a car. The city council wants to hear recommendations from the committee by July.

McCarty sums up how many concerned residents feel about billboard blight in Knoxville: "When you drive into the city, you're just hit with billboards and clutter. You don't get a good impression of Knoxville. Something has to change."

MIAMI ENDS 20-YEAR
BILLBOARD BAN ON EXPRESSWAYS

After a well-orchestrated three-year lobbying effort, the billboard industry has successfully defeated a 20-year ban against billboards along Miami's expressways. Unless other action is taken, 10 towering monopole billboards will soon go up along these long-protected roads.
According to an article in the Miami Herald (5/5/85), the battle began in 1982, when Eugene Hancock, owner of B.A. Hancock Advertising Inc., prompted an effort to get the county to exempt cities from a county ordinance banning billboards along expressways. Relying on a memo from an assistant county attorney saying that state and federal law restricted billboards along expressways, the commissioners voted to let municipalities set their own sign controls along these roads.

What many of the commissioners say they didn't know was that federal law does allow billboards along expressways in industrial and commercial areas. Nor did they know that the Florida state law banning billboards along expressways was soon scheduled to expire. When the Florida law came up for renewal in 1984, the ban was extended but with one important exception: it was amended to allow billboards along expressways in commercial and industrial areas.

With state and county restrictions out of the way, the Miami City Council voted 4 to 1 this May to allow the construction of billboards spaced at a minimum of 1,500 feet apart along Miami's expressways — which would allow approximately 20 billboards. The council ignored opposition from such notable groups as the Greater Miami Chamber of Commerce, a public housing tenants association, and the AFL-CIO sign painters union.

In an effort to have the ordinance overturned, billboard opponents took their case to the Dade County Metro Commission. Their effort initially appeared successful when the Commission unanimously supported a resolution at its first reading banning billboards from the expressways. "We've spent millions beautifying the downtown areas only to have these places littered with billboards," said Beverly Phillips, a Metro commissioner and billboard opponent.

But when the resolution came up for its second reading, an amendment was proposed and approved to allow the construction of 10 billboards along the expressways. "The other commissioners were under a lot of heavy lobbying by the billboard industry," said Ms. Phillips, who voted against the amendment. She said that there was a groundswell of grassroots opposition opposing the billboards, but even though "they've worked real hard," the citizens groups in her judgment have been "totally ineffective" in stopping this push by the billboard industry.

However, Phillips said that some of the damage of the new ordinance could be reduced by another piece of legislation pending before the Metro Commission that would — by restricting spacing, size and height requirements — reduce the number of signs in the county in five years. This ordinance will be considered by the Commission on July 16th.

PRO-BILLBOARD LEGISLATION NEARS PASSAGE IN CALIFORNIA

Billboard control groups and sign-free communities are gearing up to stop passage of California Assembly Bill 1279, a bill that, among other things, would mandate the cutting of trees and other vegetation in front of billboard’s at a
sign owner's request. Assemblyman Louis Papan introduced the bill this spring. Its intent, said Papan's legislative assistant Michael Thompson, is to help a "legitimate business" and "to codify CalTrans regulations."

Specifically, the bill would mandate that the state Department of Transportation, CalTrans, remove, or allow the company to remove, vegetation on a landscaped freeway that is obstructing the view of a billboard. Currently, CalTrans can deny such requests.

The bill also would allow billboards to be relocated to landscaped freeways, which currently are off-limits to relocated billboards. According to the bill's author, the signs could be placed only on the non-landscaped side of the freeway, but the language in the bill suggests that a billboard could be relocated to either side.

Furthermore, as SCN went to press, the bill contained a loophole that would allow those signs that do not conform to the requirements of the Highway Beautification Act to be relocated and in the process become permanent legal signs. Thus, a billboard company that did not want to take down its non-conforming signs could simply decide to relocate the signs, obtain a permit for them, and place them in a legal location, thereby exempting them from Highway Beautification Act requirements that they be removed.

"What the billboard companies will do is play a game of checkers, moving billboards from place to place," said Stan Lancaster, head of the CalTrans' Outdoor Advertising Department. "This bill will create an elite set of billboards for which there is no justification." Assemblyman Papan's staff, however, said the legislator will introduce an amendment to close this loophole. Even if the loophole is removed, CalTrans will still oppose the bill because it takes away the Department's discretionary control on regulation trimming.

Papan's bill passed the Assembly and is currently before the Transportation Committee in the Senate. How did it get so far? Part of the reason, says Jerry Meral, Executive Director of the Planning and Conservation League, is that the billboard industry is well entrenched in the California capitol. Meral pointed out that the Foster and Kleiser Company alone gave California legislators $89,000 in the years 1983-1984. Louis Papan, the bill's author, collected $2,500 from contributions by the industry in the years 1982-1984. "The industry wrote this bill," said Meral, "and they're prepared to fight for it."

The Senate Transportation Committee has scheduled hearings on the bill July 16th. For more information on the hearings, call the Senate Transportation Committee at (916) 445-3182.

INDUSTRY SUES,
TOWN RELENTS ON PORTABLE SIGNS

When Stanley Reid, owner of Baytown Neon Sign Company, wanted to roll portable signs into Baytown, Texas, he was told that the town's sign ordinance did not
permit them. So he took the traditional sign industry approach to combating local sign control laws: he sued Baytown for freedom of speech violations.

Two years later, the case was still before a federal court. But now Raid's attorney has motioned to drop the suit. Why the sudden change of heart? The city council voted a month before to amend its ordinance to allow one portable sign per business. The amendment was passed on condition that the suit be dropped.

"The ordinance was valid and it would have been upheld in court," said Baytown's city attorney, Randy Strong. So the tactics of the sign company turned political, said Strong. "There was a lot of political activity by the sign company with the council members." The vote to allow portable signs was 6-1.

"The vote to allow portable signs was 6-1," committee member一阵阵, a member of the Citizen's Sign Code Committee, said at a meeting of the city council. But, according to Strong, the committee members have been dealing with pressure from the industry.

"What pressure?" said Strong. "The pressure is coming from the sign industry. They want to continue to use billboards." The industry has argued for months that 70 percent of their customers are small businesses that will be severely damaged by controls recommended by the city council.

"There's a visual pollution thing," said Strong. "The city council needs to act on this issue. We need to make a decision." Tucson, according to city councilman George Hiller, a longtime advocate of billboard elimination, "is a visual blight. Planners steer them away from areas with billboards."

Unfortunately, Tucson learned the hard way about the need to enact a moratorium while debating future controls. Initially, the council established a voluntary moratorium, since billboard executives had promised not to erect new billboards until new sign control laws were in place. However, the promises broke when promises by City Planner Jay Ritter were not met. The council members said they wanted more time to look into ways of phasing out billboards.

By July 3, the council had lifted the moratorium, allowing new billboards to be erected. But, according to Strong, the city council has not acted to enact new controls. The city council has been dealing with pressure from the industry.

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allowing the erection of taller billboards in most areas and the replacement of aging, oversized billboards with boards of the same size. In return, the companies would reduce the height of billboards along freeways and keep the largest billboards out of some areas.

Councilman Miller said he would like to see a vote soon on tougher billboard control. He is also examining the possibility of buying the larger billboards from the companies. But, he says, he's only assured of three council votes for the stricter controls. It's the fourth and deciding vote that will determine whether the future of Tucson will bring more visual blight or a halt to excessive billboard proliferation.

NEW JERSEY PUTTING THE BRAKES ON TREE-CUTTING

Cutting public trees to make billboards visible continues in New Jersey, but now the state Highway Administration's Outdoor Advertising Section is seeking to heavily regulate the activity. Hearings and legislative action still have to be taken before a proposed permit system goes into effect. The billboard industry may try to block any attempt to regulate tree-cutting in New Jersey, especially because of the permit stipulations and fees that would be required.

The state government agency will propose that a permit costing $500 must be secured before any trimming for billboard visibility can occur on controlled access roads. Both state officials and landscape design experts would have to approve all applications. Billboard companies could only cut tree growth that occurred after the billboard was erected and would not be allowed to cut or trim existing mature trees or woodland.

Last year, there were six reported incidents of illegal tree-cutting in New Jersey. A state official says he hopes the proposed requirements will effectively end uncontrolled tree-cutting in New Jersey. New Jersey residents interested in curbing tree-cutting by billboard companies should contact the NJ Highway Administration's Outdoor Advertising Section in Trenton for the current status of this proposal.

CHALLENGE TO MAINE'S BILLBOARD BAN

The last billboard in Maine came down over a year ago, but challenges to the state's billboard ban continue to surface in the statehouse. This spring, a legislator proposed an amendment that would give local governments the option of permitting directional off-premise signs.

"It was just a big smokescreen," said Marion Fuller Brown, the Coalition's Eastern Vice-President and a long-time foe of billboards in Maine. "The representative just had some personal interest in amending the law." The lawmaker owns two businesses and wanted to be able to put up a billboard to direct motorists to
Citizens continue to protest against the destruction of public trees.

Advertisement association will be based on before-and-after pictures taken by the Whitney Outdoor.

The Highway department now must evaluate the program and offer the recommendations.

The experiment project was halted anyway.

The experiment project was a temporary compromise.

The Billboard association threatened to appeal to the Virginia General Assembly for similar provisions.

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The issue of tree-cutting in Virginia still received serious attention.

In the last issue of SCH, we reported that trees up to 29 inches in diameter were cut in the town of Ashland, Virginia, to make billboards visible from the highway, even though the Virginia tree-cutting program forbade the cutting of trees over 4 inches in diameter. Since then, citizens in Ashland and throughout the state have been protesting this practice to public officials. The chair of the State Highway Commission, Harold King, announced in late May that the pilot project would end so that the commission could evaluate the program. Up to 35 sites were part of this temporary tree-cutting project.

The Highway department now must evaluate the program and offer its recommendations to a politically pressured State Highway Commission.

Some of its findings will be based on before-and-after pictures taken by the Virginia Outdoor Advertising Association of Virginia.

The department must also decide whether the damage done to the trees remains to be resolved.

The Highway Department has indicated that it will plant some trees where many were cut.

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cut in Ashland, but so far only the stumps of the trees remain — along with a clear view of the billboards. Meanwhile, the commission and tree and scenic beauty advocates await the tree-cutting project's evaluation.

**NEWS AROUND THE COUNTRY**

**California.** The San Jose City Council has adopted an ordinance banning new billboards within the city. In moving to halt visual pollution, San Jose—California's fourth most populous city—follows the lead of other major U.S. cities such as Houston, Dallas, San Diego, Seattle, Austin, Little Rock, and the District of Columbia, all of which have barred new billboard construction. . . . It appears that enforcement of California's sign control statutes and regulations may be obstructed by cutbacks in CalTrans' Outdoor Advertising Section. Letters sent by section head Stan Lancaster to applicants for vacant jobs in his office have been told the positions will remain "permanently vacant." Lancaster also says in the letters, "I do not believe, without legislative changes, that the branch can successfully perform its mission and intend to protest the proposed staff reductions."

**South Carolina.** Conway City Council has placed a moratorium on new billboards until the city planning staff can write rules governing sign construction. The city's administrator, John Patterson, said the current ordinance lacks specificity and might be subject to legal challenge if the city rejected a billboard application. A draft ordinance should be ready in July. (Myrtle Beach Sun News, 5/28/85)

**Tennessee.** Nashville will spend this summer considering a bill that would prohibit the construction of any new billboards in the county. Although the Nashville City Council adopted a new sign ordinance last year that tightened billboard restrictions, Councilman Vic Lineweaver, sponsor of the new proposal, said it has not stopped the "overwhelming influx" of large advertising signs. The bill faces opposition from outdoor advertising companies, including Lamar Advertising and Omni Outdoor Advertising, who make the usual charge that it would violate their constitutional right to free speech. Local authorities say the real problem in Nashville is on-premise signs, "tens of thousands" of which may be in violation of city laws but go uncontrolled due to lack of enforcement staff and inadequate fines. (Tennessean, 5/9/85, 5/14/85)

**Texas.** The Kerrville City Council has extended a two-month moratorium on billboard construction to give the city more time to enact a new sign control law. The Planning and Zoning Commission has haggled for more than six months over restrictions on the size and height of billboards without reaching an agreement. (Kerrville Daily Times, 4/24/85)

**BOOK REVIEW**

Sign Control News is published by the Center for Sign Control, a project of the Coalition for Scenic Beauty. The Coalition provides essential information and assists members interested in improving the quality of the physical environment through the control of signs and billboards. Sign Control News is available to members of the Coalition for Sign Control, a project of the Coalition for Scenic Beauty. The volume does not cover non-legalistic aspects of sign control -- such as the question of freedom of speech.

Recent Change:

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For orders of more than 25 volumes, there is a 5% discount. The volume was published in 1985. For more information about the Coalition for Sign Control, please contact the Center for Sign Control, a project of the Coalition for Scenic Beauty.