

Sign Control News

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

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ARIZONA VOTERS SAY NO TO BILLBOARDS

By a 61% vote, residents of Tuscon, Arizona have approved a billboard ban for their city. Despite intense lobbying by the billboard industry, voters approved a city ordinance which bans all new, big billboards except along freeways. The ban will take effect December 5, when the current moratorium on billboard construction ends.

Billboard control advocates said they were delighted at the outcome. "The public has clearly shown its support for the city council's decision to restrict billboards," beautification advocate Tom Volge told SCN. Volge is a member of the council. Under the ordinance, only small eight-sheet boards will be allowed in the city, and then only on vacant lots in commercial and industrial areas. Even these boards must come down if any improvement is made on the vacant lot in which they stand.

The vote in the November 5 election closes another chapter in the battle the city has been waging to control billboard pollution in the city. The current fight can be traced back to 1979, when the city council failed to approve revisions in the sign code that would have restricted billboard construction.

In January of 1985, billboard control advocates tried again, this time establishing a Citizens Sign Code Committee. The committee recommended imposition of a moratorium on new billboards and new restrictions on the size and placement of existing billboards.

As reported in Sign Control News (May-June '85), the council first established a voluntary moratorium on construction while they drafted a new sign law. Billboard companies began requesting sign permits after they said they wouldn't. The council ordered a mandatory moratorium, but dragged its feet all summer on changing the existing billboard control law.

Meanwhile, the public was angered when, even before a new road was opened from the Tuscon airport to the city, billboard companies began erecting giant monopole billboards! The road that was supposed to serve as an enticing gateway to the city soon became a blighted embarrassment.

In early fall, when an ordinance to ban the huge billboards throughout the city came up for a vote, it was defeated by the City Council 4-3. However, one of the four members that voted the ordinance down called for an "advisory" referendum on the ballot. In the meantime, one council member, angered at industry tactics, reversed his vote and the ordinance to ban billboards passed in early October. But it still could have been defeated in November, and the industry mounted a massive ad campaign.

Sign control advocates staged a strong counter-attack. Charging the billboard industry with deception and false information, city officials and concerned citizens spoke out against the industry's claims. They voiced their support for the billboard ban passed by the council.

Apparently, these efforts paid off. Voters upheld the billboard ban by a wide margin.

"The vote was exactly the way we hoped it would come out," Carol Zimmerman, an aide to Councilman Volge, told SCN. "The people were too smart" to fall for the billboard industry's claims.

On December 5, when the ordinance goes into effect, Tuscon will join other cities across the nation in saying no to the visual pollution of billboards in their community.

JUDGE RULES CHICAGO BILLBOARDS MUST COME DOWN

An Illinois Circuit Court Judge has ordered Foster & Kleiser to remove billboards adjacent to two historic landmarks in Chicago's Loop. According to the Chicago Sun-Times (9/13/85), the city government had issued permits for two billboards in April 1983, then revoked them in January 1984 because the signs were being erected near several landmark buildings.

Judge Arthur L. Dunne ruled that the city was within its rights when it revoked the permits, saying, "No right-thinking person would be critical of the city to preserve buildings for the benefit of the citizenry of Chicago," according to the Sun-Times.

The ruling has given a lift to a coalition of 12 civic groups that is suing Foster & Kleiser to force removal of 10 other billboards in Chicago's Loop.

Judge Dunne refused to award the billboard company damages for lost income from the two signs. Had Foster & Kleiser been allowed to put advertising on the structures, it would have collected \$4,500 a month in rent on each sign.

One billboard was standing within 500 feet of the Old Colony, Fisher, and Monadnock landmark buildings. The other was adjacent to the North Loop Development site. It is also across the street from a planned 44-story office building. Oscar D'Angelo, a lawyer who helped represent the city free of charge, told the Chicago Sun-Times that the office developer "doesn't want 'Drink Coca-Cola' or 'Smoke Camels' outside the building where he's charging \$30 a square foot."

Commenting on the victory over Foster & Kleiser, D'Angelo said, "People from the right and the left came together to fight this battle."

RALEIGH ORDINANCE STANDS: NAEGELE SUIT DISMISSED

Naegele Outdoor's attempt to overturn Raleigh's recently passed billboard control law has been snuffed out. The Raleigh News and Observer (10/18/85) reports that a U.S. District Court judge has dismissed a lawsuit by Naegele that challenged Raleigh's billboard ordinance as an infringement on free speech and an abuse of the city's policy power.

Judge Franklin Dupree, Jr. said the city's ordinance represented "a legitimate effort on the part of the City Council to promote an important public interest in maintaining traffic safety and the aesthetic appearance of the city." Raleigh's ordinance, adopted in October 1983, reduced the maximum billboard size in the city from 675 square feet to 150 square feet on roads with four or more lanes, and to 75 square feet on smaller roads.

It also set a 5% year amortization period for the removal of non-conforming signs along all non-federal and highway roads. Naegele had charged that the amortization period was unfair, but Judge Dupree ruled that it "properly began" in October 1983 when the ordinance was adopted, and he denied Naegele the extension it had requested.

Although Naegele said that the ordinance exceeded the city's power and authority and abridged the rights of the company and its customers to free speech, the court found that "Raleigh's sign ordinance was not intended to limit certain forms of protected speech." The ordinance exempted non-commercial signs which the Supreme Court has said are protected speech (see Metromedia vs. City of San Diego).

Naegele also claimed that the city had not done enough research on the safety hazards of billboards. According to the Observer, the court replied that "No empirical studies are necessary for reasonable people to conclude that billboards pose a traffic hazard, since by their very nature they are designed to distract drivers and their passengers from maintaining their view of the road."

City Attorney Thomas A. McCormick applauded the outcome, telling the observer: "I'm pleased for the city and all the people who worked so hard" to develop the billboard ordinance. "Maegle's failure re-enforces the Supreme Court's ruling that, if done correctly, a municipality has the right to regulate or even ban commercial billboards if it so chooses. That is something the billboard industry seems to be learning the hard way in court.

SOUTH CAROLINIANS WANT TO SEE MOUNTAINS, NOT BILLBOARDS

What began as a crusade to remove a newly erected billboard adjacent to a residential area has mushroomed into a movement to curtail billboard construction in the city of Greenville and surrounding Greenville County, South Carolina. The city of Greenville has imposed a billboard moratorium as it looks into modifying its sign control ordinance, while Greenville County has already banned construction of billboards along certain scenic roads.

Concerned citizens in the area say that the erection of more billboards will obscure their views of the scenic Appalachian Mountains and hurt business in Greenville.

The city of Greenville will be holding workshops in November to get reactions from those affected by revisions in the sign control law. The changes call for increasing the distance a billboard can be erected from a residential area from 100 to 200 feet. They would also require stricter size and spacing provisions and specifications for landscaping around the billboard itself.

The Greenville County Council's Sign Committee has gone a step farther than the city, recommending to the County Council that no new billboards be constructed in unincorporated areas. The County Council will be holding hearings to determine the feasibility of the sign committee proposals.

The County Planning Commission recently voted to support the county ban on billboards along scenic roads. Commissioner Don Grant told the Greenville Piedmont (9/26/85) "I think we have the opportunity to do something for Greenville County--the scenic beauty of Greenville County--for absolutely years in the future."

Now it's up to the Greenville City and County Councils to decide how much they value the attractiveness of their region.

BILLBOARD FOR TUNNEL ENTRANCE REJECTED

Motorists using the Lincoln Tunnel to get to New York City from the Jersey shore will be spared having to look at a new billboard. Weehawken, New Jersey, Board of Adjustment rejected a request from Gauss Media to erect a billboard over the Tunnel's traffic helix, says an article from Jersey Journal (10/4/85).

Opposition to the billboard came from the Jersey City Mayor, the New York Port Authority, and 30 area residents. The billboard would have been set up

between two existing signs visible from the ramp that brings traffic in and out of the tunnel. The Port Authority said that the billboard was unacceptable, since it would cause drivers to slow down.

Mayor Stanley Iacono told the Journal, "We don't need to make a Los Angeles-style strip of billboards here. I oppose the sign as a mayor and as a citizen."

ALTERNATIVES TO BILLBOARDS HELP ROADSIDE BUSINESSES

An organization called Milestone Directories is working on an alternative to billboards as a source of information on roadside businesses. The organization has developed Interstate Exist Directories, soft bound books that guide interstate travelers from beginning to end. Each directory contains detailed maps of each interstate exit, noting the exact location of roadside businesses, their distance from the interstate, and the distance between the exits themselves. The Directory also includes detailed descriptions of roadside businesses and attractions, complete with business hours, credit cards accepted, and phone numbers.

Milestone Directories has been in existence for eight years and in that time has developed Directories for roads in 19 states and 50 major cities. They are currently putting complimentary copies in selected motels and restaurants and have given free copies to law enforcement agencies and rescue squads.

The organization's goal is to publish directories for all interstates within five years. They are trying to get government sponsorship and want to eventually provide directories free to the travelling public.

For more information, write to Milestone Directories, Inc., 1580 N. "D" Street, Suite 4, San Bernadino, CA 92405 or call 1-800-932-0222, (in California 714-381-3612).

SOUTH CAROLINA TOWN BANS BILLBOARDS

North Myrtle Beach City Council has passed an ordinance banning billboards in the town except along U.S. 17. The ordinance is especially aimed at eliminating the clutter of billboards along the resort's Sea Mountain Highway and 48th Avenue South. The measure's passage reverses a decision made by the town's Planning and Zoning Commission allowing billboards in all highway commercial zones. (Myrtle Beach Sun News 10/2/85)

MICHIGAN TOWN SUES TO REMOVE NEW BILLBOARD

It is safe to say that the township of Attica doesn't take too kindly to billboard companies coming in and erecting signs wherever they please. So when a billboard appeared on Michigan's new I-69 freeway, Attica officials wasted no

time in tracking down the alleged violator. It turned out to be Gannett Outdoor. Attica has promptly started proceedings to get the sign down. Its action won it praise on the editorial page of the Lapeer Co. Press (9/18/85): "It's fair to suspect that Gannett figured that if they moved fast and got the sign up, it would probably stay there. We applaud Attica Township for its fast action... Let's save a beautiful highway."

SAN ANTONIO PLACES MORATORIUM ON BILLBOARDS

San Antonio, Texas has placed a moratorium on the construction of new billboards while it draws up an ordinance that could prohibit billboards within the city. On September 12 it halted issuance of billboard permits and also prohibited the display and placement of portable signs.

NEW CASTLE, DELAWARE PLACES MORATORIUM ON BILLBOARDS

County Councilman Michael S. Purzycki has persuaded the New Castle County Council to place a moratorium on the construction of new billboards in unincorporated areas and has called for a commission to review and improve the county's 19-year old sign control law. The county is currently hiring college students to inventory existing signs along certain roads.

Another problem, Purzycki told the Wilmington Morning News (10/9/85), is the lack of enforcement of the existing ordinance by the county Department of Public Works. "There is a historical tradition not to enforce the ordinance," he said. "It's at the rock bottom of the pile of enforcement."

LOS ANGELES CONSIDERS NEW BILLBOARD BAN

The Los Angeles City Council is considering a ban on new construction of commercial billboards for the town of Incline and is currently holding hearings to determine the feasibility of such a ban.

ATLANTA BILLBOARDS BREAK A TABOO

Atlanta, a city already pock-marked by billboards, suffered another blow last month when Turner Outdoor Advertising plastered ads for condoms across 30 inner-city billboards. It was the first time in the United States that billboards have been used to advertise condoms. Response to the ads was predictable. The public, including several religious groups, was offended but billboard officials thought they were great. Said Turner Managing Partner, James McLaughlin, "To me it's no different from tampons or feminine deodorant sprays or douches" (Newsweek, 11/18/85).

Despite growing public resistance to billboard pollution, the industry continues to pursue its goal of spreading billboard blight everywhere in America. Now, however, the drive to halt the spread of billboard pollution may

gain support from those who believe sex education -- or the lack of it -- belongs in the home, not on the highways.

SIERRA CLUB EXPANDS LAWSUIT

The Sierra Club Legal Defense Fund has expanded its lawsuit against the Federal Highway Administration's Region 4 office for failure to enforce the Highway Beautification Act. On October 28, a judge with the federal district court in Columbia, South Carolina agreed to allow the Fund to amend its original complaint (which focused exclusively on problems in South Carolina) to include facts regarding FHWA nonenforcement in other states within the southeast region as well.

The next legal step will occur when the federal court decides how it wishes the case to be handled procedurally. The court can rule solely on the legal merits of the Fund's complaint or hear argument on both the legal and factual issues together. The federal government maintains it has prosecutorial discretion to enforce the law as it sees fit and that the Fund's suit therefore should not even go to trial.

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. *Sign Control News* is available free to members of the Coalition for Scenic Beauty. Coalition membership fees are as follows: Individual memberships start at \$20; for clubs, associations, organizations, private businesses, or government agencies fees are \$50 for local organizations, \$100 for state or regional organizations, and \$150 for national organizations. To join, send check payable to the "Coalition for Scenic Beauty" to Coalition for Scenic Beauty, 44 East Front St., Media, PA 19063. Phone: (215) 565-9131.