



Georgia Planning Officials Newsletter

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Billboard Regulation

Excerpted from *Planning Commissioners Journal*
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Many thought billboards were an endangered species in 1965 when Congress passed the Highway Beautification Act. But the law was so riddled with loopholes and enforcement so lax that in recent years billboards have proliferated once again. Curbing billboards is not easy. But with persistence and the help of a good city attorney, meaningful regulation is possible. So where do you start?

GET THE FACTS

Get a copy of your current sign ordinance and any applicable state regulations. Find out where billboards are allowed and where they are prohibited. Determine how many and what types of billboards currently exist in your community and how many permits for new billboards your community issued over the past five years. It is also important to find out how billboards are taxed — if at all. Are they considered personal property or real property? How are they assessed? What do outdoor advertising companies claim their billboards are worth for purposes of local or state taxation? Next, conduct a billboard survey. Communities need to count, photograph, and map the location of every billboard. This is important because billboards are often illegally erected. It also helps to determine exactly who is advertising where and whether billboards are disproportionately located in one neighborhood or another.

BILLBOARD ORDINANCES

Once you have the facts in hand and are ready to prepare (or revise) your sign control ordinance, you should — if at all possible — adopt a temporary moratorium on new billboard construction. A moratorium freezes the status quo and prevents the industry from rushing out and erecting dozens of new signs while the community debates what to do. The length of the moratorium should coincide with the time required to develop and enact new legislation. The legal requirements for moratoria differ from state to state but most allow communities to withhold permits while a new ordinance is being considered.

Over 3,000 cities, towns, and counties prohibit new billboards, as do four states with tourist-oriented economies: Maine, Vermont, Alaska and Hawaii. Places like Houston, San Diego, Little Rock, Fairfax County, VA and Montgomery County, MD are just a few examples of larger communities that have banned new billboards. A ban on new billboards will not improve a city's appearance overnight, but it will prevent the problem from worsening. This is particularly important in rapidly growing communities because it ensures that new roads do not become as cluttered with billboards as existing roads. The Houston ordinance is typical: "From and after the effective date, no new construction permits shall be issued for off-premises signs within the sign code application area. The prohibition shall apply to all classification of signs, types of signs, special function signs and all other signs used as off premises signs, including portable signs." In Houston, the number of billboards has declined from 7,084 in 1980, when the sign ordinance was adopted, to about 3,500 today.

Ordinances can also provide mechanisms for removing existing billboards. Historically, communities have had two options: (1) pay the owners to remove them, or (2) "amortize" the signs over a period of time. One source of money for billboard removal is the "transportation enhancement provision" of the Intermodal Surface Transportation Efficiency Act (ISTEA). Amortization provides a designated period of time during which nonconforming signs may remain. When this period ends, the signs must be removed (or modified to comply with the ordinance). However, amortization won't work in many situations because the federal government's so-called "Highway Beautification Act" mandates cash payments to remove billboards along all federal interstate and primary highways.

Another approach is to cap the number of signs and prohibit the construction of new off-premises signs, except to the extent that such signs replace existing billboards. An exchange provision can require a company to remove any number of nonconforming signs prior to being issued a permit for a new conforming sign. Exchange provisions work best when the community prioritizes areas where it wants billboards to be removed. Many things contribute to America's growing sense of placelessness, but almost nothing will destroy the distinctive character of a community faster than uncontrolled signs and billboards. Yet this is an issue on which well-informed, motivate planning commissioners can make a difference.

Upcoming Events

Georgia Municipal Association Annual Conference

Savannah, Georgia

June 21-24, 2008

For more information visit <http://www.gmanet.com>

Southface Sustainable Roundtable

Atlanta, Georgia

July 11, 2008

For more information visit <http://www.southface.org>

Community Planning Institute 2-Day Training

Helen, Georgia

July 14-15, 2008

For more information visit <http://www.georgiaplanning.org>

Community Planning Academy: Water: An Essential Resource

Atlanta, Georgia

August 6, 2008

This 1-day workshop sponsored by the Atlanta Regional Commission provides planning officials, public works engineers and water supply managers with a better understanding about water supply and conservation management plans that work.

For more information visit <http://www.atlantaregional.com>

Georgia Planning Association Fall Conference

Augusta, Georgia—October 1-3, 2008

Planning Officials Track