

**MEMORANDUM**

September 8, 2016

TO: Planning, Housing, and Economic Development Committee  
FROM: Jeff. Zyontz, Senior Legislative Analyst  
SUBJECT: Zoning Text Amendment 16-06, Prohibited Signs – Public Rights-of-Way

Zoning Text Amendment (ZTA) 16-06, introduced on June 21, 2016, would prohibit all non-permanent signs in public rights-of-way and specify enforcement procedures for illegal signs in rights-of-way. Councilmember Leventhal is the lead sponsor of ZTA 16-06. Councilmembers Katz and Navarro are co-sponsors.

All private temporary signs in Montgomery County's public rights-of-way are illegal. The current code allows for such signs by permit, but the Department of Permitting Services has no applications or permits on file. In the opinion of the sponsor, the use of public rights-of-way for temporary signs creates visual clutter and is both a safety hazard and an eyesore. The possibility of a limited duration sign by way of a permit only complicates any enforcement action. Adding enforcement actions in the code will provide notice to potential violators of the consequences of their actions.

ZTA 16-06 would delete the entire category of signs called "limited duration signs". Such a sign on private property would continue to be allowed as a "temporary sign". Temporary signs would be redefined to be restricted only by the type of material used and not the duration of the sign.

The Council held a public hearing on August 2, 2016. Most of the testimony opposed ZTA 16-05. Some people believe that the ZTA would be an unconstitutional infringement of rights under the First Amendment to the Constitution. Others thought it would impede real estate advertising and civic meeting advertising in a detrimental manner.

**Issues**

*What is the problem with signs in the right-of-way?*

Roadside signs create unaesthetic visual clutter and are designed to distract a driver's attention. Roadside advertising signs can affect drivers by:

- Directly distracting or confusing them while driving.

- Taking drivers' eyes off the road, which will give them a slower reaction time to road hazards.
- Obstructing visibility, e.g., at intersections or driveways.
- Presenting a physical obstruction to vehicles moving.
- Diverting their attention from important roadside warning signs, which might, in turn, put them and other road users at risk.
- Indirectly distracting drivers from the driving task by moving or giving the appearance of motion.<sup>1</sup>

Anyone who places a sign in the public right-of-way wants that sign to be read by drivers. The act of reading a sign is not an act associated with the safe operation of a motor vehicle. If a sign is effective, it is distracting. If a sign is not effective, it is nothing but roadside trash.

*What studies have been done to prove that signs are a safety issue for drivers?*

The Governors Highway Safety Association recently issued a report on distracted driving. The report cited 4 types of distracted driving:

- Visual – looking at something other than the road
- Auditory – hearing something not related to driving
- Manual – manipulating something other than the wheel
- Cognitive – thinking about something other than driving.

Signs and displays and other roadside features are listed as visual distractions. With regard to roadside signs, the report concluded:

Regulations or standards for road signs and commercial signs provide a potential opportunity to eliminate or reduce distraction. But...there is not enough research evidence on how much distraction from a sign is safe. Distracted driving considerations do not suggest any changes to the guidelines or standards for road and commercial roadside signage in place in most jurisdictions.<sup>2</sup>

A small English study found that driver performance is degraded by the presence of roadside advertising.

.... Certain driving performance indicators on a driving simulator are [negatively] affected by roadside advertising signs. Moreover, half of the drivers surveyed using the questionnaire reported being distracted at least once by those signs while 22% of them indicated being put in a dangerous situation at least once due to being distracted by those signs. Results of the present study indicate clearly that advertising signs have the potential of distracting drivers. It is recommended here that relevant government agencies ban such signs in places where maximum attention is required by drivers like, for example, in dangerous bends, areas where high accident rates are recorded (i.e., black spots) and intersections. Such areas should not have advertising signs in order to allow drivers pay full attention on driving and on-road signs giving information or warnings about road status or directions.... Finally, more research is necessary to determine

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<sup>1</sup> "The role of roadside advertising signs in distracting drivers", International Journal of Industrial Ergonomics 40(3):233-236, May 2010.

<sup>2</sup> Distracted Driving: What Research Shows and What States Can Do (2011).

reasonable position and density of advertising signs in other areas that will cause minimum interference with the driving task and less distraction.<sup>3</sup>

There is evidence from a Canadian study that drivers do glance at signs. Eighty-eight percent of those glances were longer than .75 second. Signs more directly in a driver's field of vision get more glances.<sup>4</sup>

*What is the current status of all temporary signs in the right-of-way?*

Temporary signs that get a permit from the Department of Permitting Services are allowed. The current code states:

One sign is allowed per permit. An applicant may request up to a maximum of 4 permits. DPS may consider each business location as a separate applicant; however, the sign placement must not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.<sup>5</sup>

Each permit would cost an applicant \$140. The Department has not received an application for any such permit. No permits have been issued. All temporary signs in a right-of-way are illegal.

Signs are removed when complaints are received and as staffing permits. There is no schedule for removing signs. Citations are given to violators. The Department must follow the County Code.<sup>6</sup>

*Is ZTA 16-06 unconstitutional?*

All sign regulations are a matter of constitutional concern. The First Amendment to the Constitution states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

As drafted, the First Amendment did not apply to State laws. It only limited laws passed by Congress. The First Amendment applies to States (and local government) due to the 14<sup>th</sup> Amendment:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States....

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<sup>3</sup> "The role of roadside advertising signs in distracting drivers", International Journal of Industrial Ergonomics 40(3):233-236, May 2010.

<sup>4</sup> "Observed Driver Glance Behavior at Roadside Advertising Signs", Transportation Research Record Journal of the Transportation Research Board 1899(1):96-103, January 2004.

<sup>5</sup> §59-6.7.11.B.

<sup>6</sup> As of August 16, 2016, the County 311 website FAQ section included the following on limited duration signs in the right-of-way:

There are no restrictions on displaying real estate open house signs on the weekends. These signs must be removed by Sunday evening. Displaying open house signs or other directional signs during the weekdays is in violation of the Sign Ordinance.

The Department was informed that this is contrary to County law.

Just to prove that First Amendment jurisprudence is an area of law that only a Talmudic scholar can love, “no law” does not mean no law. The government may prohibit some speech that may cause a breach of the peace or cause imminent violence.<sup>7</sup> There are unprotected categories of speech, such as obscenity.<sup>8</sup> There are less protected categories of speech, such as commercial speech.<sup>9</sup> The Court accepted the notion that a city has the power to protect its citizens from unwanted exposure to certain methods of expression that may legitimately be deemed a public nuisance.<sup>10</sup> Even speech that enjoys the most extensive First Amendment protection may be subject to “regulations of the time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest...”<sup>11</sup> A time, place, and manner restrictions will be upheld if it leaves open ample alternative channels for communication.<sup>12</sup>

The court treats content based restrictions differently from content neutral regulations. Content-based restrictions on speech in the public forum are subject to strict judicial scrutiny.<sup>13</sup> The restriction must serve a compelling state interest and the regulation is the least restrictive means to address that interest. Content-neutral restrictions on speech are subject to only intermediate scrutiny. In general, the government must show that the law serves an important objective (not involving the suppression of speech), that the law is narrowly tailored, and that there remain ample alternative means of communication.<sup>14</sup>

Signs have garnered particular attention from the Supreme Court. *Metromedia, Inc. v. San Diego* dealt with San Diego’s prohibition of certain forms of outdoor billboards.<sup>15</sup> There the Court considered the city’s interest in avoiding visual clutter, and seven Justices explicitly concluded that this interest was sufficient to justify a prohibition of billboards. The plurality opinion expressly concluded that the city’s aesthetic interests were sufficiently substantial to provide an acceptable justification for a content-neutral prohibition against the use of billboards. San Diego’s interest in its appearance was a substantial governmental goal.

The core holding in *Metromedia* was upheld in *City Council v. Taxpayers for Vincent*, where a statute prohibiting signs on utility poles in the public right-of-way was upheld.

Any constitutionally mandated exception to the City’s total prohibition against temporary signs on public property would necessarily rest on a judicial determination that the City’s traffic control and safety interests had little or no applicability within the excepted category, and that the City’s interests in esthetics are not sufficiently important to justify the prohibition in that category. But the findings of the District Court provide no basis for questioning the substantiality of the esthetic interest at stake, or for believing that a uniquely important form of communication

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<sup>7</sup> *Schenck v. United States*, 249 U.S. 47 (1919); *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

<sup>8</sup> *Roth v. United States*, 354 U.S. 476 (1957); *Bethel School District #43 v. Fraser*, 478 U.S. 675 (1986).

<sup>9</sup> *Valentine v. Chrestensen*, 316 U.S. 52 (1942); *Board of Trustees v. Fox*, 492 U.S. 469, 477 (1989).

<sup>10</sup> *Kovacs v. Cooper*, 336 U.S. 77 (1949).

<sup>11</sup> *Frisby v. Schultz*, 487 U.S. 474, 481 (1988).

<sup>12</sup> *City of Ladue v. Gilleo*, 512 U.S. 43 (1994).

<sup>13</sup> “Strict scrutiny” is generally a judicial phrase used to describe a situation where the court will find any possible reason to overturn the offending provision.

<sup>14</sup> *United States v. O’Brien*, 391 U.S. 367 (1968);

A government regulation is sufficiently justified if it is within the constitutional power of the Government; if it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.

<sup>15</sup> 453 U.S. 490 (1981).

has been abridged for the categories of expression engaged in by Taxpayers and COGS. Therefore, 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. The findings of the District Court that COGS signs add to the problems addressed by the ordinance and, if permitted to remain, would encourage others to post additional signs, are sufficient to justify application of the ordinance to these appellees.<sup>16</sup>

The Court's most recent case on signs in public rights-of-way was in *Reed v. City of Gilbert*. The Court declared as unconstitutional a statute treating directional signs in the public right-of-way differently from political signs. The court applied strict scrutiny for a provision of code that was based on the content of the sign and was not limited to the time, place, and manner for signs. Of most interest to the concerns surrounding ZTA 16-06 was the following statement in the Court's opinion:

We acknowledge that a city might reasonably view the general regulation of signs as necessary.... At the same time, the presence of certain signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses well might survive strict scrutiny.<sup>17</sup>

In the opinion of Staff, ZTA 16-06 is narrowly tailored to protect public safety and prevent visual clutter. All signs superfluous to public safety are prohibited. In that respect, it is content neutral. ZTA 16-06 would be a "time, place, and manner" restriction that would not be subject to strict scrutiny. Even if strict scrutiny is applied, the dicta in *Gilbert* would allow the ZTA to pass that test. Essentially, the Court would have to overturn *City Council v. Taxpayers for Vincent*, which allowed restrictions to avoid visual clutter in the public right-of-way. The Court had that opportunity in *Reed v. Gilbert* and did not do so. There is ample opportunity for other means of expression in the County. The sign provision would still allow temporary signs on private property.

#### *Can the code exempt real estate and civic event signs?*

Exemptions beyond traffic guidance and hazard identification would be treated by the Court as a content-based restriction subject to strict scrutiny. It would be impossible to argue that non-real estate and non-civic signs contribute to driver distraction and visual clutter but other exempted signs do not. In Staff's opinion, the Council could not constitutionally pick and choose which signs are preferred over others.

#### *How are right-of-way signs restricted in other jurisdictions?*

All roads in Virginia are governed by the state's law. Section 33.2-1224, Code of Virginia, prohibits signs and advertisements within the limits of the highway. Virginia Department of Transportation is authorized to remove any sign that is in violation of state code but also has delegated that authority to cities and counties.

Fairfax County removes signs that are illegally put on or along selected roads under a program that started on July 1, 2013. This includes political campaign signs, advertising signs and more. Signs are

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<sup>16</sup> 466 U. S. 789 (1984).

<sup>17</sup> *Reed v. Town of Gilbert, Arizona* (2015).

regularly picked up every week between Tuesday and Thursday by the Sheriff's Community Labor Force.<sup>18</sup> A Virginia State Law for Fairfax County allows temporary signs Friday through Sunday. Signs are not cleaned up based on public complaints. Signs are not removed from neighborhood streets. They are only removed from 63 major roads across the county which account for about 200 miles of roadway. Their crews visit each road included in the program one time each month. Signs are stored at the County Transfer Station for 5 days (as required by state law), allowing owners time to reclaim them. After this time, the signs are destroyed. The fine is \$100 for each sign. The names of violators and their fine amounts have been periodically published.

Loudoun County also has the authority to enforce the state prohibition on signs in rights-of-way. The focus in Loudoun County is on removing signs and not fining violators. Until 2012, Loudoun used volunteers to remove illegal signs. Currently, Loudoun County staff removes signs one day a week. County staff does respond to complaints.

Prince George's County only allows signs in rights-of-way that are authorized by public authorities or agencies. It also allows the Prince George's County Council, acting as the District Council, to approve permits for signs in rights-of-way, but that does not apply to specific signs:

Types of signs exempt from sign permit, when all applicable Design Standards of Division 3, Subdivision 3, of this Part are met:

- (1) Public: Signs of a noncommercial nature which are erected by, or ordered to be erected by, a public official in the performance of official duty, or by a governmental agency, such as: safety signs; traffic control signs; signs of historical interest; and names or locations of cities, towns, and villages.
- (2) Real estate, directional: Temporary signs containing a directional arrow and advertising real estate for sale or lease, not located on the premises being advertised.
- (3) Real estate, identification: Temporary signs advertising the prospective sale or lease of real estate, located on the premises being advertised.
- (4) Temporary Signs - Institutional: Temporary signs pertaining to events sponsored by a church; library; school; hospital; fire station; community center; day care center for children; service, fraternal, or civic organizations; or other similar group...<sup>19</sup>

Howard County allows real estate signs in public rights-of-way Friday through Sunday. Temporary signs announcing public, charitable, educational, or religious events are also allowed in Howard County rights-of-way.

Staff can only expect that Prince George's County's and Howard County's codes will ultimately be amended in light of the holding in Reed v. Town of Gilbert. At this time, there are no efforts underway to amend their respective codes.

This Packet Contains  
ZTA 16-06

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<sup>18</sup> The Sheriff's Office Community Labor Force (CLF) programs use incarcerated or work release labor crews to provide necessary services to Fairfax County that otherwise would have been done by county staff or contractors.

<sup>19</sup> Prince George's County Code §27-602 – Signs Exempt from Sign Permits.

Zoning Text Amendment No.: 16-06  
Concerning: Prohibited Signs – Public  
Rights-of-Way  
Draft No. & Date: 1 – 6/8/16  
Introduced: June 21, 2016  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Leventhal  
Co-Sponsors: Councilmembers Katz and Navarro

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- delete provisions for limited duration signs;
- revise the provisions concerning temporary signs and prohibited signs;
- add provisions concerning the treatment of prohibited signs in the right-of-way;  
and
- generally amend the provisions for prohibited and temporary signs.

By amending the following sections of the Montgomery County Zoning Ordinance,  
Chapter 59 of the Montgomery County Code:

DIVISION 59-1.4. “Defined Terms  
Section 1.4.2. “Specific Terms and Phrases Defined”  
DIVISION 59-6.7. “Signs”  
Section 6.7.2. “Applicability”  
Section 6.7.4. “Prohibited Signs”  
Section 6.7.12. “Temporary Signs”

And deleting:

Section 6.7.11. “Limited Duration Signs”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.*  
*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment or text added by this amendment in addition to ZTA 14-09.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

#### ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. DIVISION 59-1.4 is amended as follows:**

2   **DIVISION 1.4. Defined Terms**

3   \*   \*   \*

4   **Section 1.4.2. Specific Terms and Phrases Defined**

5   \*   \*   \*

6   **[Sign, Limited Duration:** A non-permanent sign that is:

- 7           1.     displayed on private property for more than 30 days, but not intended  
8                   to be displayed for an indefinite period; or  
9           2.     within the public right-of-way.]

10  \*   \*   \*

11   **Sign, Portable:** A sign installed on a support or structure that permits removal or  
12 relocation of the sign by pulling, carrying, rolling, or driving, such as a sign with  
13 wheels; a menu or sandwich board sign; an inflatable sign; an umbrella, but not a  
14 canopy sign, may be a temporary sign [or a limited duration sign], but not a  
15 permanent sign. A portable sign includes a sign attached or painted on a vehicle  
16 parked and visible from the public right-of-way, unless it is a currently licensed  
17 and registered vehicle used in the daily operation of the business. A portable sign  
18 does not include a sign on any light or heavy commercial vehicle[, which] that is  
19 operated within the public right-of-way.

20   **Sign, Temporary:** A sign that is displayed on private property [for less than 30  
21 days and usually] and made of a non-permanent material like canvas, cardboard,  
22 paper, or wood.

23  
24           **Sec. 2. DIVISION 59-6.7 is amended as follows:**

25   **DIVISION 59-6.7. Signs**

26   \*   \*   \*

27   **Section 6.7.2. Applicability**

28 A. A property owner must obtain a permit under Division 6.7 before a sign is  
29 constructed, erected, moved, enlarged, illuminated, or substantially altered,  
30 except for signs covered by Section 6.7.3, Exempt Signs, Section 6.7.11,  
31 [Limited Duration signs, and Section 6.7.12,] Temporary Signs.

32 \* \* \*

33 **Section 6.7.4. Prohibited Signs**

34 A sign not authorized in Division 6.7 is prohibited. Except for a sign that is not  
35 visible beyond the property lines of the property where the sign is located, the  
36 following signs are specifically prohibited and must not be erected or retained. The  
37 Sign Review Board must not grant a variance permitting their erection, installation,  
38 or maintenance. A prohibited sign must be removed within 24 hours after  
39 notification by DPS that the sign must be removed.

40 \* \* \*

41 **F. Sign in the Public Right-of-Way**

42 1. A sign in the right-of-way is prohibited, except for the following:

43 [1] a. A sign erected by a government agency or utility company in  
44 the performance of its public duties.

45 [2] b. A sign erected by the appropriate transportation jurisdiction in  
46 its right-of-way.

47 [3] c. A permanent sign allowed to be located in the public right-of-  
48 way in Division 6.7, if:

49 [a] i. the sign is approved by the Sign Review Board; and

50 [b] ii. the appropriate transportation jurisdiction issues a permit  
51 after approving the structural adequacy, physical  
52 location, sight distance, pedestrian access, and other  
53 safety characteristics of the sign.

54 [4. A limited duration sign that satisfies Division 6.7.

- 55           5.     A sign approved as part of a sign concept plan for an optional method  
56                     development project located in an urban renewal area.]
- 57           2.     For the purposes of enforcing this subsection:
- 58                     a.     each prohibited sign is a violation of this Chapter;
- 59                     b.     the County may seek any allowable fines or penalty for any  
60                             violation, including an injunction against further violations;
- 61                     c.     any prohibited sign may be immediately removed by the  
62                             County or any agent of the County;
- 63                     d.     the County will retain any prohibited sign removed from a  
64                             right-of-way for 48 hours and, thereafter, the County will treat  
65                             the sign as refuse; and
- 66                     e.     the County may publish the number of prohibited signs  
67                             removed with the names of the person, business, product, or  
68                             organization displayed on the removed signs.

69           Section 6.7.4.F does not affect the authority of the appropriate transportation  
70                     jurisdiction to regulate signs in its right-of-way or the authority of the  
71                     Department of Transportation to otherwise regulate the right-of-way. The  
72                     appropriate transportation jurisdiction or DPS may remove any sign in the  
73                     public right-of-way that is prohibited under Section 6.7.4.F.

74     \*   \*   \*

75     **[Section 6.7.11. Limited Duration Signs**

76     **A.    Permit Requirements**

- 77           1.     A permit is not required for a limited duration sign on private  
78                     property. A permit application must be approved for each sign to be  
79                     placed in the public right-of-way.
- 80           2.     When a permit is required, a limited duration sign must satisfy the  
81                     following provisions:

- 82 a. The sign must be constructed in a manner that does not require
- 83 a building or electrical permit.
- 84 b. Each sign approved by a permit must display and have affixed
- 85 to the sign information in a format as required by DPS,
- 86 including the date of expiration of the permit.
- 87 c. A permit is issued for one year and may be renewed annually.
- 88 d. A limited duration sign is allowed in any zone.
- 89 e. A limited duration sign may be relocated upon approval by the
- 90 DPS.]

91 **[B. Permit Applications**

- 92 1. One sign is allowed per permit. An applicant may request up to a
- 93 maximum of 4 permits. DPS may consider each business location as a
- 94 separate applicant; however the sign placement must not create a
- 95 proliferation of signs in that right-of-way, and the applicant may not
- 96 have the ability to use a permanent sign in lieu of a limited duration
- 97 sign. Multiple signs that are similar will not receive a permit for the
- 98 same location within the right-of-way.
- 99 2. An application for a limited duration sign permit must include:
  - 100 a. A description of the sign indicating the, size, shape,
  - 101 dimensions, and colors of the sign, and the time and day of the
  - 102 week during which the sign will be displayed;
  - 103 b. A drawing of the site or a schematic of the area showing the
  - 104 proposed location of the sign in relation to nearby buildings and
  - 105 streets;
  - 106 c. The number of signs on the site; and

107 d. Other information required by DPS to confirm the limited  
108 duration sign satisfies Division 6.7 and other Sections of the  
109 Chapter.]

110 **[C. General Requirements for Limited Duration Signs on Private Property**

- 111 1. The number of signs, area and placement restrictions allowed are the  
112 same as for a temporary sign in the zone in which the sign is erected;  
113 however, in Residential zones, the maximum sign area of all limited  
114 duration signs on a lot or parcel is 10 square feet.
- 115 2. A sign erected on private property must have the written permission  
116 of the property owner.]

117 **[D. Requirements for Limited Duration Sign in the Public Right-of-Way**

- 118 1. The maximum sign area for each sign is 5 square feet.
- 119 2. A sign must not be placed on a paved section of the right-of-way, such  
120 as a sidewalk, bikeway, driveway apron, emergency lane, or any part  
121 of the roadway.
- 122 3. A sign must be placed a minimum of 50 feet from any driveway,  
123 entrance, or traffic control signal, and a minimum of 5 feet from any  
124 other limited duration sign within the public right-of-way.
- 125 4. A sign must be placed a minimum of 100 feet from a street  
126 intersection.
- 127 5. The nearest edge of a sign must be a minimum of 2 feet from a curb  
128 or, if no curb exists, a minimum of 6 feet from the edge of the  
129 roadway or street.
- 130 6. A sign must not be placed on a median strip or highway divider.
- 131 7. The maximum height of the sign is 30 inches above the ground.
- 132 8. A sign must have its own means of support which is affixed to the  
133 ground. The sign installer or permit holder is responsible for

134 satisfying utility restrictions for excavating or driving a support into  
135 the ground.

136 9. A sign must be erected either only on weekends and National  
137 Holidays; or for a maximum of 14 consecutive days during any 6-  
138 month period.]

139 **Section [6.7.12] 6.7.11. Temporary Signs**

140 A. Generally

141 A permit is not required for a temporary sign, and the number of temporary  
142 signs that may be displayed is not limited.

143 1. The sign area of a temporary sign is determined by the zone in which  
144 the sign is placed, and is in addition to the area allowed for a  
145 permanent sign [or a limited duration sign]. All other aspects of the  
146 sign, such as location and height, must satisfy the standards for a  
147 permanent sign in the zone.

148 2. The date of erection of a temporary sign must be written in indelible  
149 ink on the lower right corner of the sign. A sign without this  
150 information is a permanent [or limited duration] sign under Division  
151 6.7.

152 \* \* \*

153 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after  
154 approval.

155

156 This is a correct copy of Council action.

157

158

159 \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council