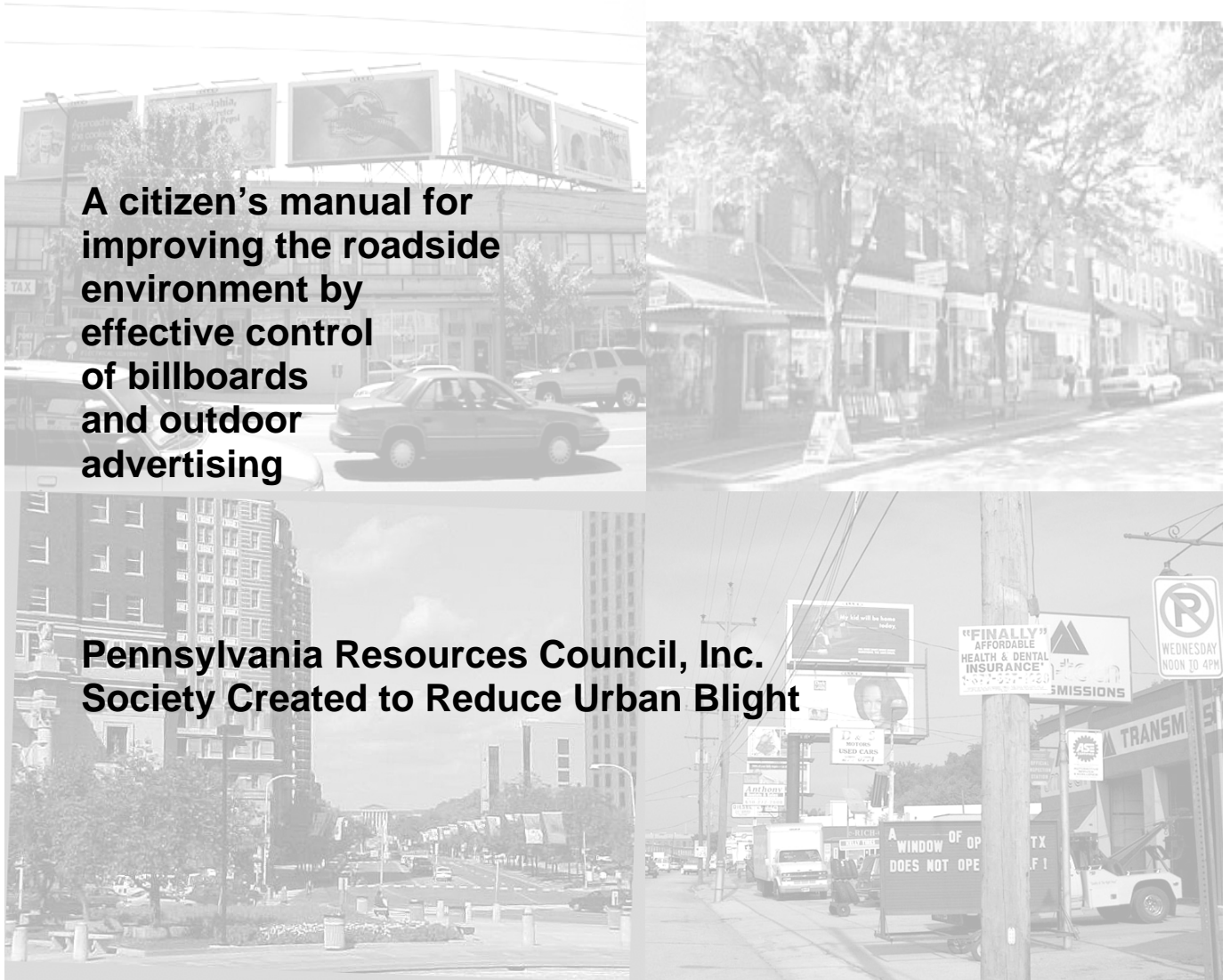


# Signs, Billboards and Your Community



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Lynn McConville  
Project Manager, PRC

*"We find it hard to conceive that our constitutional founders believed that visual blight and ugliness were a fundamental aspect of our national heritage or that our state and local governments were to be powerless in protecting the beauty and harmony in our human as well as our natural environments."*

—County of Cumberland v. Eastern Federal Corp., 48 N.C. App. 518, 269 S.E.2d 672 (N.C. 1980)

This manual does not address regular business signs, known as on-premise or accessory signs, that only identify the business or products for sale where the sign is located. It is written to address off-premise signs, with specific emphasis on roadside billboards.

Information about on-premise signs is available from several sources listed in Appendix B of this manual.

## Introduction: Outdoor Advertising and Your Community

Outdoor advertising, especially in its form as roadside billboards, is frequently a controversial part of America's landscape. Although general outdoor advertising signs can be appropriate in some locations, the proliferation of billboards and other forms of outdoor advertising can create sign clutter and visual blight in our communities.

The Pennsylvania Resources Council, Inc. (PRC) and the Society Created to Reduce Urban Blight (SCRUB) have developed this manual to provide information on billboard and outdoor advertising control for Pennsylvanians. PRC has been a strong advocate for visual beauty and the environmental protection of our public roadways since 1939. Originally known as the Pennsylvania Roadside Council, the organization changed its name to the Pennsylvania Resources Council, Inc. in 1985. PRC has active programs on litter awareness and prevention, the promotion of recycling and environmental shopping, green building, and protection of the region's visual and scenic environment. SCRUB is a Philadelphia-based billboard control and community visual environment advocacy group. Formed in 2000, SCRUB has been instrumental in educating the public on Philadelphia's sign control laws, preventing new billboard construction in inappropriate locations of the city, and encouraging the city to improve enforcement of Philadelphia's billboard control laws. In addition, SCRUB networks with neighborhood groups to improve the streetscape visual environment within their local commercial corridors.

This manual is divided into three major parts. **Part One – Understanding Outdoor Advertising** provides background information on outdoor advertising, the outdoor advertising industry, and the federal, state and local laws that regulate billboards and other outdoor advertising. **Part Two – Effective Control of Outdoor Advertising** provides information for citizens and municipalities interested in strengthening or revising local ordinances. **Part Three – Our Future Roadscape** discusses strategies for dealing with outdoor advertising problems and for developing a "scenic agenda" for our communities.

This manual is intended to draw together information about the issue and promote discussion among community members, municipalities and local businesses on what can and should be done to promote preservation and enhancement of the visual environment in our communities. This manual is not intended to be a definitive statement on what should be done about outdoor advertising in your community. It is not a legal document, and should not be relied upon for legal advice.

# PART I

## Understanding Outdoor Advertising

- **The Importance of Controlling Outdoor Advertising**
- **The Outdoor Advertising Industry**
- **Federal and State Billboard Control Laws**
- **Local Sign and Billboard Control Laws**

*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment..."*

— Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania

*Pollution is not limited to the air we breath and the water we drink; it can equally offend the eye and the ear."*

--Chief Justice Warren Burger

*"More than any country ours is an automobile society ....by making our roads highways to the enjoyment of nature and beauty we can greatly enrich the life of nearly all our people in city and countryside alike."*

— President Lyndon Johnson, 1965 Special Message to Congress on Conservation and Restoration of Natural Beauty

### Section 1: The Importance of Controlling Outdoor Advertising

The visual identity of a community creates a sense of place and civic pride. A community is strengthened when people have positive attitudes toward it, and the visual environment can strongly affect those attitudes. Poorly controlled outdoor advertising can foster a sense of blight or reduce one's sense of community character, to the detriment of civic pride.

Pennsylvanians have long recognized the unique esthetic values of their towns and countryside. This appreciation is incorporated in the Pennsylvania Constitution's Bill of Rights, acknowledging that the preservation of esthetic values is a fundamental right of the citizens of Pennsylvania. When outdoor advertising is improperly placed in the community landscape, made too large, too many in numbers, or illuminated late into the night, it can infringe on those natural, scenic, historic and esthetic values. The impact is felt not only by the citizens in the immediate neighborhood of the sign, but also by the community and the traveling public as well.

President Lyndon B. Johnson stated, "For centuries Americans have drawn strength and inspiration from the beauty of our country. It would be a neglectful generation indeed, indifferent alike to the judgment of history and the command of principle, which failed to preserve and extend such heritage for its descendants." He went on to note, "A concern for the enhancement of beauty must infuse every aspect of the growth and development of metropolitan areas. It must be a principle responsibility of local government, supported by active and concerned citizens."

Strong state and local control of roadside advertisements helps preserve and extend the heritage of beauty in our communities and surrounding areas. Concern and protection of the visual environment is important in any community but is of special importance in communities feeling the impact of rapid growth and change.

## **Outdoor Advertising and Community Esthetics:**

***“It is not speculative to recognize that billboards by their very nature, wherever located and however constructed, can be perceived as an “esthetic harm.”***

— Metromedia , Inc. v. City of San Diego, 453 U.S. 490, 101 S.Ct. 2882 (U.S. Cal 1981)

***“The availability of job and career opportunities is a necessary but insufficient condition to attract the young knowledge workers...Quality of place completes the picture.”***

— Richard Florida, “Competing in the Age of Talent”

***“A good sign code is pro-business, since an attractive business district will attract more customers than an ugly one. Moreover, when signs are controlled, merchants do a better job of selling and at less cost.”***

— Edward T. McMahon, The Conservation Fund.

Hawaii banned billboards statewide in the 1950's to preserve the visual environment of the island. Vermont, Maine and Alaska followed suit in the 1970's to preserve the rural and bucolic nature of the states, both for the citizens and to promote tourism. Many tourist destinations ban billboards or restrict them to certain districts where the advertisements themselves are considered part of the ambience. These states and towns recognize that outdoor advertising creates a definite visual image that can work against the marketing of their communities to visitors.

It is not only tourist destinations that are finding that scenic and visually pleasing esthetics are important to the local economy. A number of business economists are pointing out that “quality of life” issues are becoming major factors in people’s decision on where to live and work. A study by the Bank of America in 1993 concluded that “public policies that protect a community’s environment and quality of life help to sustain long-term economic growth.” In suburban communities and urban areas, the concern is preservation or restoration of a pleasing visual environment to promote business or encourage redevelopment in depressed areas along with concerns of visual clutter and driver distraction. Encouraging both tourist and business traffic into an older downtown necessitates planning what sign control best promotes and compliments the downtown and protects the community’s visual esthetics. The goals of protecting public welfare and promotion of business and community quality of life may require significantly stronger sign controls than are available in the Federal and State outdoor advertising control regulations.

In today’s world, any object can be painted, covered or wrapped and turned into an advertisement. In a world filled with advertising messages, pressure to place outdoor advertising in areas that previously had none will only increase. In addition, areas that have signs will face pressure to increase the number, locations and size of signs. Strong local ordinances are needed to insure that our communities do not become inadvertent casualties of this marketplace “battle of the advertisers” but instead will be places that reflect a consensus of public citizenship, pride and beauty.

## **Outdoor Advertising and Business:**

Real estate agents know that “curb appeal” of a property, its visual appearance from the street, can help make a sale or even increase the sale price. This concept applies to commercial and industrial properties in addition to residential housing. Curb appeal not only attracts tenants and buyers of real estate, it attracts customers to a business. With many options to chose from, a customer’s choice of where to shop is often influenced by curb appeal and esthetics. Control of outdoor advertising insures that sign clutter and poorly placed, oversized outdoor advertisements won’t detract from

***“Community character and image directly affect business in general and tourism in particular. Both potential visitors and investors are naturally drawn to places that are charming, orderly and visually appealing.”***

Enhancing the  
Roadscape – Monroe  
2020 Comprehensive  
Plan

***“In the year 2000 alone, the cost of motor vehicle crashes totaled over \$ 230.6 billion, with 2.3 million people injured.”***

— “The Economic  
Impact of Motor Vehicle  
Crashes, 2000”  
National Highway Traffic  
Safety Administration

**A 1968 study of street signs and graphics along Baltimore County roads found that with traffic signs, business signs, billboards and other advertisements on some roads, a driver would have to read over 440 words per minute, twice the average reading speed, to understand all the signs.<sup>1</sup>**

or overwhelm other visual amenities, offsetting businesses’ efforts to improve their curb appeal.

In addition, sign clutter may make it difficult for smaller businesses to be seen. When a business sign is overshadowed by larger billboards and other off-premise advertising, it can go unrecognized by passing potential customers. Control of outdoor advertising helps level the playing field in a commercial district so businesses do not have to compete with one another in a “sign war” to attract customers with ever bigger or flashier signs.

## **Outdoor Advertising and Traffic Safety:**

To work, outdoor advertising must be seen and read by the traveling public and therefore must temporarily attract their attention away from other tasks. While this is not a concern for passengers in cars, it is a concern for drivers.

It is difficult to design realistic studies that can measure distraction. A Federal Highway Administration (FHWA) report on billboards and driver attention reviewed various studies on advertising and traffic safety and concluded that determining the effect of outdoor advertising on accident rates was difficult. However, the report highlighted issues that could have adverse effects on a driver’s attention to driving. Clutter and visual complexity were shown to affect the time a driver has to look away from the road and search for information. Driver distraction was also noted to be potentially more significant with high accident and high-risk age groups who may have more difficulty handling divided attention demands while driving.<sup>2</sup>

The FHWA report quotes a study noting drivers tend to spend between 0.4 and 0.7 seconds fixing on simple traffic signs, but may need to spend 2.3 seconds fixing on an advertisement to understand it. If a driver has trouble understanding a sign, or if there is presentation of a subject that is of particular interest to the driver, this may result in longer reading times.

The attention time becomes a concern in areas of high traffic volume and high billboard density. Under state and federal standards, many roadways allow billboards every 500 feet. With billboards 500 feet apart and traffic traveling at 60 miles per hour, a driver would approach a billboard every 5.7 seconds. Given an attention time of 2.3 seconds to read and understand a billboard, a driver reading billboards would use 40 percent of his attention time to read advertisements rather than attending to driving.

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<sup>1</sup> Mandelker, D. and Ewald, W. (1988) Street Graphics and the Law

<sup>2</sup> Federal Highway Administration (2001) Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction. Final Report , Office of Safety Research and Development

***“The young people as well as the adults have the message of the billboard thrust upon them by all the arts and devices that skill can produce ...The radio can be turned off, but not so the billboard or street car placard. These distinctions clearly place this kind of advertisement in a position to be classified so that regulations or prohibitions may be imposed upon all within the class.”***

**– Packer v. Utah (1932)  
285 U.S. 105, 52 S.Ct 273  
(U.S. Utah 1932)**

***“Leading medical experts estimate that 90% of disease is caused or complicated by stress. This epidemic of stress is a strong contributor to both high medical costs and poor medical outcomes”***

**- The Congressional Prevention Coalition on Stress Prevention: Its Impact on Health and Medical Savings, June 24, 1998**

For these reasons, experienced drivers learn to ignore features such as signage along roadways that they travel frequently. The outdoor advertising industry refers to the driver’s learned behavior of ignoring signs as “site fatigue.” The advertiser is then put in a position of either having its message ignored or having to frequently rotate messages and put up more eye-catching advertisements to draw driver’s attention back away from the road.

### **Outdoor Advertising and Public Health Issues:**

Outdoor advertising represents a form of advertising that an individual cannot control. Unlike television, radio or print ads the individual cannot turn a billboard off. For that reason, billboard advertising creates public health concerns when children are exposed to inappropriate advertising. Billboard advertising for tobacco was a concern until the tobacco companies agreed to stop placing outdoor advertisements. Concern still exists for alcohol advertising that is viewed by a non-target audience, children and teenagers. Whereas a responsible business would not advertise alcohol in a magazine or television show tailored to a young audience, a billboard advertising alcohol along a local street or highway will automatically present the desirability of that product to everyone, including the passing busload of school children.

First amendment rights limit a municipality from regulating the content of advertisements in the community. The large size of many outdoor advertisements and their presence along primary travel corridors creates an issue of advertising to children, who become part of the billboard’s “advertising catch.” They are not the intended audience, but they have no way to avoid a billboard’s advertising reach.

Concern has grown over the issue of how visual clutter and blight affect stress. Stress in our society is a major health problem. Research measuring how the visual environment may impact health and stress has found some interesting results. Some studies indicate that people have lower stress levels and recover more quickly from stress when they view a natural setting rather than a cluttered urban setting with concrete, buildings and signs dominating the landscape.<sup>3</sup> Other studies indicated that as a landscape’s “care level” decreases - as it begins to look littered, cluttered and less cared for -people’s perception of danger increases significantly and their feelings of tranquility and ease in the environment drop.<sup>4</sup> If litter, excessive signage, visual blight and visual clutter combine to create stress and other adverse physiological impacts, planning a community’s streetscape appearance to enhance the public visual environment would be an important component of public health.

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<sup>3</sup> R. Parsons et al. The view from the road: implications for stress recovery and immunization. Journal of Environmental Psychology (1998) Volume 18, Issue 2

<sup>4</sup> Herzog and Chernick Tranquility and danger in urban and natural settings. Journal of Environmental Psychology (2000) Volume 20, Issue 1

**Billboards by the Numbers**

How many billboards are in Pennsylvania? How does that compare to our neighboring states? How much does regulation of billboards and outdoor advertising cost taxpayers? Scenic America, a national organization concerned with the visual environment of our landscapes and roadways, contacted 46 state departments of transportation in a survey to quantify the billboard issue. The facts, self-reported by the state DOT's, are summarized in their report "The Highway Beautification Act: A Broken Law." Table 1 and Table 2 below show these facts for billboards in the Eastern Region along interstates and primary federal-aid highways.

**Table 1: Number of Billboards On Interstate and Primary Highways as Reported by State's Department of Transportation.**

<b>Billboards in the Eastern Region</b>			
State	Total Number of billboards on highways	billboards allowed in unzoned rural areas?	Estimated number in rural areas
<b>PA</b>	<b>14,127</b>	<b>Yes</b>	<b>3,500</b>
NY	5,028	No	0
MD	4,181	No	0
MA	3,685	No	0
VA	3,683	Yes	unknown
WV	2,543	Yes	unknown
CT	988	Yes	0
NH	754	Yes	unknown
NJ	607	Yes	0
DE	298	Yes	0
RI	253	No	0
ME	0	No	0
VT	0	No	0

PENNDOT reported significantly more billboards in Pennsylvania than were reported by other east coast states. In the United States, only 5 other states reported more billboards present along their major roadways.<sup>5</sup> This is in spite of the fact that citizen groups in Pennsylvania were among some of the first nationwide to campaign for billboard restrictions in the 1940's and 1950's.

**Billboard Fees**

Most states charge permit fees for their billboard permits. Billboard permit fees help pay for the costs of the billboard control program mandated by Congress as part of the Highway Beautification Act. Application fees and

<sup>5</sup> States reporting more billboards along their interstate and primary highways include Florida with 20,711, Ohio with 16,436, Mississippi with 16,082, Texas with 15,409 and Wisconsin with 14,990.

annual permit fees vary greatly from state to state, with a low of \$ 0 for an annual billboard permit in West Virginia to a high of \$ 350 for a large sign in New Jersey. Table 2 shows fees in some of the Eastern Region states, along with state billboard control program costs.

**Table 2: Cost and Fees Collected on Billboard Permits as Reported by State Departments of Transportation<sup>6</sup>**

<b>Program Costs and Billboard Fees</b>				
State	Application fee per sign	Billboard annual permit fee	Fees meet cost of control program?	Annual program subsidy required
MD	\$ 10 – 35	\$ 10 – 35	No	\$ 600,000
<b>PA</b>	<b>\$ 10 – 30</b>	<b>\$ 10 – 30</b>	<b>No</b>	<b>\$ 500,000</b>
VA	\$ 3 – 70	\$ 3 – 70	No	\$ 432,000
NJ	\$ 50 – 200	\$ 5 – 350	No	\$ 257,000
WV	\$ 100 + 13	\$ 0	No	\$ 221,000
CT	\$ 25 – 50	\$ 10 – 30	No	\$ 200,000
DE	\$ 5 – 20	\$ 5 – 20	No	\$ 126,500
RI	\$200 + 100/face	\$ 100	No	\$ 95,000
NH	\$ 50 – 100	\$ 50 – 100	No	\$ 17,350
NY	\$ 20 – 100	\$ 20 – 100	Yes	\$ 0
MA	\$ 60 – 160	\$ 60 – 160	Yes – this fee structure produces a state surplus of \$ 390,000	
ME and VT – billboards are banned statewide, no permit program is administered by the state				

If permit costs do not cover the billboard control program costs, funds from the state transportation budget or general funds from the state treasury must be used to subsidize the program. For those states with permit fees that don't cover costs, taxpayers pay the difference - effectively subsidizing billboards and paying to keep those billboards inexpensive for the advertisers. In Pennsylvania, state permit fees have not changed since 1971, when the Pennsylvania Outdoor Advertising Control Act was first authorized.

<sup>6</sup> Information for Tables 1 and 2 obtained from "The Highway Beautification Act: A Broken Law" published 1997 by Scenic America, 21 Dupont Circle, Washington D.C, 20036 B1:HBA

## Section 2: The Outdoor Advertising Industry

Although the Outdoor Advertising Industry is a 5.2 billion dollar industry, it only accounts for approximately 2.2 % of the advertising dollars spent in the United States annually.<sup>7</sup>

Outdoor advertising as we know it today exists as a result of the tremendous public effort and funding put forth to create the modern American transportation system. This unprecedented system opened vast areas of the United States to the movement of large numbers of people. This effort also created opportunities for advertisers to try and seize upon the traveling public as a captive audience delivered to their ads, willingly or not, as they drove down the public roadways. The modern outdoor advertising industry developed and grew alongside the expanding network of interstates and highways.

The outdoor advertising industry consists of three components. The first component is the **advertiser**, the companies, individuals or organizations who want to rent space to advertise their goods and/or services, or place their messages regionally or nationwide. The second component is the **advertising agency**, the people who help the company or organization plan and execute an advertising campaign. The third component is the **sign company**, who build outdoor display structures such as billboards on land they either own or lease. The sign company rents space on those structures to the advertisers through the advertising agency.

In recent years, there has been a consolidation in the number of sign companies who own outdoor displays. Thirty years ago most sign displays were owned by a number of regional sign companies. Today most sign displays are owned by one of a few large national media conglomerates.

Nationwide, there are 10 major sign companies in the industry

- Clear Channel
- Viacom
- Lamar
- AK Media
- JCDecaux
- Adams Outdoor
- Tri-state Outdoor
- Fairway Outdoor
- Van Wagner Communication
- Reagan Outdoor

Nationwide, Clear Channel Communications, Viacom, and Lamar Advertising dominate the outdoor advertising industry. Clear Channel, which owns radio and television stations and runs entertainment services, has acquired many sign companies in recent years, among them Eller Media, to form Clear Channel Outdoor. Viacom is a global media company with broadcast and cable television, radio and online operations in addition to an outdoor advertising division. The third big player in the industry is Lamar Advertising. Unlike the other two companies, Lamar does not own radio and television stations but concentrates on both outdoor and indoor mall and shopping center advertising displays.

Other smaller outdoor advertising companies do business in Pennsylvania. Some of them are Steen Outdoor Advertising, NextMedia Group, and Whiteco Outdoor. In addition, small new billboard companies are formed periodically. Many of these newer companies are not in the business of building billboards but work instead to acquire and lease sites and then obtain local permits. These sites and permits are later sold to the larger sign companies for sign construction.

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<sup>8</sup> Advertising Age magazine -: <http://www.adage.com/datacenter.cms>  
Coen's 2002 US Advertising Volume (Coen/McCann-Erikson)

**Off-premise Outdoor Advertising:** Off-premise or non-accessory signs consist primarily of advertisements for activities or products that are not conducted or sold on the premise on which the signs are located, or signs that bring rental income to the property owner.

## Types of Off-Premise Outdoor Advertising (OA):

Most people know off-premise advertising as the billboard along a highway. Although this is the most common form of outdoor advertising, OA includes a number of different sign types - from giant "wall wraps" to the small signs nailed on a utility pole advertising a new weight loss program. Regulations of off-premise outdoor advertising need to cover all the various types of off-premise outdoor advertisements, both traditional forms of outdoor advertising such as billboards and poster signs, and less traditional forms such as stake signs, transit signs, wall wraps, logo signs, mobile advertisements and more.

### Traditional Outdoor Advertising: Billboards

Billboards come in standard sizes that allow advertisers to generate and reproduce designs for regional and nationwide advertising campaigns. From the small sizes, called "8-sheets" to the larger "Bulletin" billboards, what advertisers choose to use depends on their target audience and what sizes are available in their target locations. Currently, most billboards support traditional paper advertisements or newer vinyl mesh printed advertisements, but digital billboards are being tested in a number of markets. Digital billboards provide a lighted display much like a video game display which can be changed electronically to advertise a variety of products.

### 8-Sheet Billboards



**Size:**  
72 sq. feet  
6' high 12' wide

**Small** - The smallest sized billboard is referred to as an 8-sheet poster. The term comes from the time when a billboard consisted of smaller sheets of paper glued together to form the advertisement. These smaller billboards were made up of 8 sheets of paper. These billboards are generally used in areas where there is slow moving traffic, where there is pedestrian traffic, or where there are size restrictions prohibiting larger billboards. They may be placed on a pole, but often they are bolted directly to a wall.

Advertisers rent 8-sheet billboards in groups of 20 to 200 signs in order to create a "spread" of advertising coverage for a short-term or seasonal promotion of a product. Because many of the 8 sheets are located within cities, and frequently in older or lower income areas, there is concern among some neighborhood organizations of the "targeting" of advertisements for alcohol and other products to specific ethnic groups. This often becomes an issue when the ads are located near homes, schools and playgrounds.

On average, in the Philadelphia area markets, these types of boards rent in 4 week periods for approximately \$200 to \$ 250 per board.<sup>8</sup>

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<sup>8</sup> Rates are from self-published rate cards listed on major sign company websites such as [www.clearchanneloutdoor.com](http://www.clearchanneloutdoor.com) or [www.lamaroutdoor.com](http://www.lamaroutdoor.com), or [www.viacomoutdoor.com](http://www.viacomoutdoor.com).

### 30-Sheet Billboards



**Size:**  
300 sq. feet  
12' high 25' wide

**Medium** - Medium sized billboards are called “30-sheets.” They are generally about 300 square feet in size. These are among the most common form of older billboards along both primary and secondary roadways. These billboards are often double-sided to provide advertisement in both directions of travel, and sometimes are stacked with two faces on each side to provide space for two to four different advertisements.

30 sheet billboards are either rented in spreads like the 8-sheets, or they may be rented individually. They are commonly placed on a wall, on a rooftop, or are free standing on one or more poles.

In the Philadelphia area markets, these types of boards rent on average for approximately \$750 to \$ 800 per board face per 4 week periods, but the rental rate can vary depending on location and the presence or scarcity of other billboards in the area.

### Bulletin Billboards



**Size:**  
670 sq. feet to  
1,200 sq. feet  
14' high by 48' wide  
or 20' high by 60' wide

**Large** - Larger billboards are called either bulletin billboards or premier sheets depending on size and shape. These signs can vary in size, from approximately 670 square feet to larger premier panels of approximately 1200 square feet. They are placed along major highways and interstates where traffic is moving at a higher speed, and where there is a longer sight view.

Advertisers rent these billboards individually based on location and expected viewership. Some bulletins are “permanent,” where the advertiser has signed a long-term contract to rent the sign for more than one year. Others are “rotational” bulletins, where various advertisers rotate advertisements on a short-term contract for several months.

In the Philadelphia area markets, these types of boards rent on average for approximately \$5,000 to \$ 8000 per board face per 4 week periods but the price will vary depending on desirability of the billboard location. Prime locations can rent for considerably more.

### Wall Wraps



**Size: Variable**  
Sizes typically run  
from 1,200 sq. feet to  
over 10,000 sq feet.

**Extra Large** - Advancements in materials and printing technology now allow the creation of signs of any size. Printing on vinyl mesh rather than paper allows the creation of advertisements that can range from either the traditional billboard size, to an advertisement that is the size of a 10 story building. The largest of these new vinyl advertisements are called mega-size signs, or “wall wraps.”

Using bolts and cords or cables, wall wraps attach directly to the building. A large wall wrap goes directly over the windows and architectural features of the building. Although one can see through the vinyl mesh of the advertisement, sunlight and visibility through the covered window is diminished.

Newer versions of the standard billboard include trivision signs that rotate three or more sign messages on one face, or digital video faces that can be programmed to show changing advertisements throughout the day.



### Transit or Bus Shelter Ads

Size:  
22 sq. ft  
4' wide by 5 ½ high

### Mobile Ads



Size: Variable  
Size varies depending on vehicle.

Wall wraps are custom made, and typically have longer term leases than for rotational billboards. Price varies greatly depending on the wrap's size and location. A mega-size wall wrap on Times Square can cost an advertiser several hundred thousand dollars to show. A smaller sized wrap in a less prominent location may cost around the same price as a regular billboard advertisement of that size.

### Other Types of Outdoor Advertising:

Not every off-premise outdoor advertising meets the definition of a billboard, which is a free-standing or wall mounted sign board of a standard size and type. From the old style advertisements on bus benches to a simple poster nailed on the utility pole, to modern digital outdoor video displays that provide changing advertisements, outdoor advertising can take a range of traditional and non-traditional forms.

**Bus Shelters** - Unlike billboards, where the structure exists simply as a support for the advertisement, transit shelter signs are incorporated into the bus or transit shelter structure. Typically one or two panels of the bus stop shelter are clear to allow placement of commercial advertisements. Like 8-sheets, these bus shelter panels are rented out in groups to create a short term advertising spread in a region. Unlike billboards, where each structure is on a separate property leased from individual property owners, the bus shelter structures are built by the sign company within the public right-of-way as part of an agreement with the local municipality or local transit agency. These types of shelters are generally placed on transit routes in commercial areas, along sidewalks and other road right-of-ways or easements where outdoor advertising is normally prohibited.

Although these bus shelter ad-boards are smaller than the traditional 8-sheet billboard, they have a higher average rental cost. The higher rental costs reflect both the higher cost in construction of the bus shelter, and the fact that these advertisements are often in prime commercial locations where other off-premise advertising may be restricted or prohibited. In the Philadelphia area markets, these types of boards rent for approximately \$1,000 per board per 4 week period.

**Mobile advertisements** are ads that are placed on buses, trucks, vans or on trailers. The simplest form is a 30-sheet sized billboard that is mounted on a trailer and towed behind a truck. Other forms are printed on a vinyl mesh and either glued or strapped to the side of a flat panel truck or "shrink wrapped" directly onto a vehicle. Buses, cars or trucks can be completely "wrapped" in a single advertisement. The vinyl printing technology now allows almost any object to be viewed as a potential location for advertising.

Mobile advertisements also come in high-tech versions. In addition to vinyl mesh ads, video and digital imaging technology has improved to the point where giant mounted video screens and changing digital signs are being tested and used in major markets such as New York City and Los Vegas. Since mobile ads are not stationary structures, but are mounted on a motor vehicle, they are not covered by the HBA or Pennsylvania's Outdoor Advertising Control Act. Any controls would be through Pennsylvania's motor vehicle laws.

### **Nuisance Signs, Snipe Signs, and "Street Spam":**

#### **Stake Signs –**



**Size:**  
small, generally  
1 to 3 sq. ft.

**Stake signs** are small poster sized signs that are driven into the ground on small stakes. Common forms include the ubiquitous realty signs that pop up on weekends. Some of these signs are intended to serve as directional signs, and some are intended to serve as advertisement.

These signs in a roadway right-of-way can create visual clutter and traffic hazards. Directional signs that are improperly placed may increase the risk of accidents by creating confusion, or quick lane changes by drivers. For these reasons, unofficial signs not approved by PENNDOT or the municipality are banned from road right-of-ways.

Some municipalities allow periodic placement of stake signs outside of the road right of way for political signs, directional signs, noncommercial messages, and signs that relate to periodic public events. Most municipalities have ordinances that spell out when and where these types of signs can be placed. However, improper placement of these signs within the road right-of-way is commonly done.

#### **Poster Signs -**

**Size:**



**small, generally  
1 to 3 sq. feet**

**Poster or Utility Pole Signs** - For a number of years, the typical poster signs nailed to utility poles would be advertising yard sales, looking for lost dogs, or promoting candidates during the election season. Although nailing these signs on trees, public property and utility poles has always been illegal, most were considered a temporary nuisance and ignored by code enforcement officers.

Recently, however, poster signs have gone commercial with scores of signs sometimes peppering communities. They advertise work from home projects, weight loss programs, home buying services, and a host of other businesses. Some people specialize in putting them up, charging a business a fixed rate per 100 signs, and nailing signs to trees, utility poles and buildings despite laws against this type of advertising placement.

These signs, referred to by most code enforcement officers as "nuisance signs", or as "street spam" or "snipe signs" tend to proliferate due to the low cost in associated with generating and posting these signs. They especially tend to proliferate if there is lack of emphasis given for removal by state and local officials.

## The Economics of Billboards

### Economics for the Sign Company

The Philadelphia region ranks as the fourth largest demographic marketing area in the United States.<sup>9</sup> Competition among the sign companies for billboards and new sign locations is very active as each company tries to take a dominant position in this market. How signs are bought, sold or rented depends on traffic demographics within this market.

**DEC – Daily Effective Circulation:**  
A calculation based on traffic counts showing how many people will pass the outdoor advertisement location during an average day.

**Size:** Billboards exist to attract attention to themselves. Therefore, in outdoor advertising, conventional wisdom asserts that bigger is better. As a result, rental rates to the advertiser are significantly higher for large billboards than for small billboards, making large billboards significantly more profitable than small or medium sized billboards.

**Viewers:** For larger signs, the sign's rental rate is priced in much the same way as television, radio and print advertising is priced. The value depends on how many people will see it in during a given day. For a billboard, how many people will see it is directly dependent on its location. A billboard along a major interstate with heavy traffic "delivers" more viewers to the advertiser, and will cost more to rent than a billboard along a smaller, less traveled route.

**GRP – Gross Rating Points:**  
the percentage of people in a given market who will see an advertising campaign. This number depends on the number of billboards rented for the campaign, and each billboard's DEC.

The sign industry publishes rental formulas based on the two factors of billboard size and the DEC - Daily Effective Circulation. The DEC for a road is based on traffic counts and community demographics. Each billboard location has a DEC calculation made for it. Since top dollar can be charged for a large sign on a heavily traveled route with a high DEC, there are strong economic incentives for signs to increase in size and be placed in a community's major travel corridors.

As communities grow and roadways are upgraded, a change in a road's DEC may mean that an area which was not attractive to billboard companies before may suddenly see a surge of billboard applications. These factors may be in direct conflict with a community's plan to moderate the size of outdoor advertising or and keep it off the major gateways into a community. Few community or transportation planners even consider this side-effect of changing traffic patterns when the roadways are designed or when communities experience growth.

**Market:** The amount a billboard earns also depends on its presence as a component of a larger "advertising spread" in a regional market. That spread is measured by the GRP or Gross Rating Point. A group of billboards are used together to deliver a large GRP with which to attract advertisers. The need to have a number of billboards in a market to develop a large GRP is one of the major factors for the consolidation of the billboard industry and the rising

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<sup>9</sup> Data taken from Clear Channel Communications website [www.clearchanneloutdoor.com](http://www.clearchanneloutdoor.com) 9/1/03

value of billboards often see their billboard restrictions targeted for a challenge. As a sign company tries to improve its market reach, it will try to move into areas with few billboards in order to improve their GRP. If one sign company can secure a site in a restrictive area when others can't, that company has a competitive advantage.

**GIM – a technique used to determine a sign's long term market value by estimating potential revenue over a period of years.**

**Real property – land or buildings, those things that cannot be easily moved or relocated.**

**Personal property – those things on the land or in the building or business that can be moved, replaced or relocated**

**Sign Schedules – formulas or tables often developed by various state's Department of Transportation to determine sign values. Many use replacement costs as the primary criteria for valuation, but may also include other items such as leasehold values in their formulas.**

**What is a billboard worth?** When sign companies buy and sell billboards, the price is often based on the billboard's expected revenue over time. The value is calculated using a gross income multiplier (GIM) which multiplies the expected annual income of the sign by a designated number of years. In most cases, groups of billboards are purchased together to create or enlarge a sales territory. Part of the price reflects the strategy of a company increasing its advertising market share in a region while working to keep competing sign companies from increasing their market share.

On the other hand, many states assess a billboard's value by viewing billboards as personal property, a fixture to real property rather than real property itself. As personal property the value of the billboard is considered to be its replacement or relocation cost, rather than its market price. Billboards are considered to be not an income-producing real property, but an income-producing asset in a going concern – the advertising sign business.<sup>10</sup> Real property, such as land or a building, is typically assessed at market value, since it is something that cannot be removed or relocated to a different site.

How to determine the value of an outdoor advertising sign is of concern because the difference in approaches can yield significantly different sign values. If a community needs to remove a sign from a highway due to road reconstruction or roadside beautification projects, federal law requires they pay compensation if the sign is on a federal-aid highway. How much should be paid depends on the way in which the sign was appraised. For obvious reasons, the sign owner would prefer that the sign's value be set using the gross income multiplier method, since that typically yields a higher price. Yet this price includes more than the sign – it also includes business costs that are not typically part of compensation proceedings. The FHWA, in its suggested guidelines for determining sign valuation, notes that if the GIM method is used, a number of factors should be considered so that the "non-sign" values that make up part of the market price be deducted from the sign's value<sup>11</sup>.

Currently, PENNDOT considers outdoor advertising signs to be personal property, and does not use income multipliers in its appraisal methods.

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<sup>10</sup> Billboard Valuation Without Distortion: The Heathrow Decision. Stephan M. Cantwell, MAI, The Appraisal Journal, July 1999

<sup>11</sup> Sign and Site Valuation Formula and Schedule Guide for Controlling Outdoor Advertising Pursuant to 23 U.S.C. 131 Federal Highway Administration Federal-Aid Policy Guide, December 9, 1991

## **Economics for the Property Owner**

Most billboards are located on property that is leased from the property owner. Since location is a the primary factor in determining a billboard's rental rate and market value, it would seem logical that the property owner should have the upper hand in negotiating to receive a large share of the billboard's annual advertising revenue. However, this may not always be the case.

In looking at the issue nationally, the Outdoor Advertising Association of America reported that in 1999, approximately 2.9 billion dollars were spent by advertisers for billboard advertising. It also reported that during that period, \$ 500 million of the 2.9 billion dollars went to landowners for real estate lease payments for billboards.<sup>12</sup> Nationally then, an average of 17 percent of the advertising revenue goes to local property owners for billboard location leases. That number may seem low given the fact that in outdoor advertising, location is the primary determinant of rental costs and billboard value, but likely reflects the fact that not every landowner knows how to aggressively negotiate his or her billboard leases.

## **Economics for the Community**

**Many municipalities charge minimal fees for sign permits. In larger cities where there are a number of billboards, the cost for monitoring outdoor advertising can be significant. In these areas, like in the state permit program, the permit fees rarely match the cost of the permit program.**

While outdoor advertising does provide an inexpensive advertising venue for some businesses, there are costs. From snipe signs that cost the advertiser pennies per sign, to large billboards that may dominate a skyline, the benefits of this inexpensive advertising can go to a few businesses, while the community as a whole carries much of the cost.

Revenue to the community from outdoor advertising may not be significant. Since outdoor advertising signs are considered personal property rather than real property, they are generally not included in property taxes. If placed on agricultural land, vacant land or abandoned buildings, the property tax reflects the low property value, even though the sign itself may be a significant revenue generator for the sign company. Most sign companies are not locally based, and may provide few local jobs or business taxes.

Signs cost a community when removal is needed for beautification projects. But billboards also cost a community when the signs add to visual clutter, reducing people's desire to work, live or shop in a community. Improving semi-fixed or easily changeable features such as signs, billboards, landscaping and decorations in many cases has a great effect on a community's appearance and improves people's perceptions and feelings about their community.<sup>13</sup> Too much visual clutter from outdoor advertising can have the opposite effect, and create a hidden cost to the community.

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<sup>12</sup> Data taken from the Outdoor Advertising Association of America website [www.oaaa.org](http://www.oaaa.org): "Outdoor Advertising Today: The Positive Role of Outdoor Advertising in the U.S" dated 1/22/2001. The OAAA is the lead trade organization representing the outdoor advertising industry. Its website provides useful information on the outdoor advertising industry.

<sup>13</sup> The Evaluative Image of the City. Jack L. Nasar 1998 Sage Publications pgs. 17-33 : "Measuring Community Appearance"

## **Section 3: Federal and State Sign Control Laws**

### **The Federal Highway Beautification Act of 1965 (HBA), Public Law 89-285**

**The stated goal of the 1965 HBA was to control placement of junkyards, and to regulate billboards and other outdoor advertising signs in order to “protect public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.”**

**A good overview of outdoor advertising control over the years can be viewed on the Federal Highway Administration’s website. See [www.fhwa.gov/realestate/out-ad.htm](http://www.fhwa.gov/realestate/out-ad.htm)**

### **Which roads in Pennsylvania are covered by the HBA?**

**It is not always easy to know. The best way to find out about the roads in your area is to ask your local PENNDOT District office.**

The creation of the American highway system was one of the most ambitious and significant public works projects in our history. This massive building of interstate roadways and upgrading of intra-state highways was funded by federal tax dollars. Understanding that a public works project of this magnitude would have a significant impact on rural and small communities, this building project created the first nationwide concern for planning for the environment. Beginning in the late 1930’s various state Roadside Councils were formed by concerned citizens who felt that without action, billboards, junkyards, and trash would litter the new highways and degrade the visual environment in our countryside and towns.

This concern helped create a Federal-Aid Highway Act in 1938 which authorized funding for landscaping and roadside rests. However, billboards increased on the new highways, creating a push for the 1958 Bonus Act that contained the first federal incentives for state control of billboard placement in rural and scenic areas. When this voluntary program had less effect than intended, the state roadside councils and various garden clubs nationwide pushed for a more comprehensive regulation. With the help of a president’s wife, First Lady Ladybird Johnson, the Highway Beautification Act (HBA) was created.

In 1965 Congress passed the Highway Beautification Act to control outdoor advertising in areas adjacent to the Federal Interstate and areas adjacent to what was called the Federal-Aid Primary (FAP) highway system. Congress charged the FHWA with developing regulations for the control of outdoor advertising along these roadways. These regulations are found in subsection 750, of section 23 in the Code of Federal Regulations (23 CFR 750). Section 23 in the Code deals with highway regulations in general, subsection 750 deals specifically with highway beautification regulations.

The HBA does not directly regulate signs along the highway system but mandates that states establish a system of regulations and standards for “effective control” of outdoor advertising along interstates and highways that are part of the federal-aid primary highway system. Failure by a state to impose the required controls can result in the loss of 10 percent of the state’s annual federal-aid highway funding.

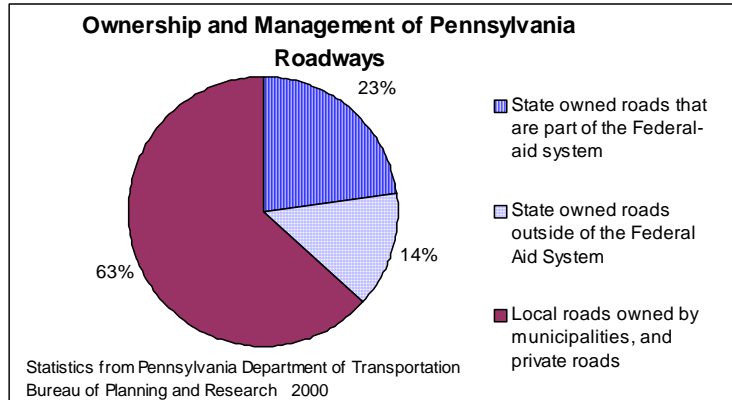
The HBA covers all interstates, such as I-95, or I-476 and all highways that were designated FAP highways. Not every highway in the state has this designation. The roads that are regulated by the HBA was reset in 1991. New federal highways may be added to the system, but a road may not be subtracted from the system even if it reverts to a locally maintained highway. If a highway is not an interstate or FAP designated highway, it is not covered by the regulations of the Highway Beautification Act.

## The Pennsylvania Outdoor Advertising Control Act of 1971: Act 160

The state legislature passed Act 160 to ensure that Pennsylvania would not suffer economically from a reduction in federal-aid highway funds . The Act was: *“for the purpose of assuring the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the national policy to protect the public investment in the interstate and primary system.”*

In addition, the Act was passed: *“to promote the welfare, convenience and recreational value of public travel; and to preserve natural beauty”.*  
-Section 2: Act 160

Figure 1.



According to the Pennsylvania Department of Transportation, only about 23 % of Pennsylvania’s roadways are covered by the HBA<sup>14</sup>.

## State Sign Control Laws

Because the HBA does not actually regulate signs, but only withholds highway funds from states that do not follow the Federal Highway Code guidelines, actual regulation of outdoor advertising is controlled by **state law**. Although states may enact stricter controls than those in the HBA, that is not required. All the state regulations have to do is provide for “effective control” of outdoor advertising. In order to ensure that there is a determination of “effective control” from the FHWA, most states, including Pennsylvania, model their Outdoor Advertising Control Acts to closely follow the Federal Highway Beautification Act standards.

In response to the Federal Highway Beautification Act, the Commonwealth of Pennsylvania passed the Outdoor Advertising Control Act of 1971, Act No. 160. The responsibility for administering the act was given to PENNDOT. Within each PENNDOT district, the Office of Real Estate has the job of ensuring signs placed along the interstate and FAP highway system comply with state and federal standards.

Act 160 is closely tied to the HBA and does not extend the state regulations beyond the areas covered by the HBA. **In Pennsylvania, only areas adjacent to interstates and federal-aid primary highways are covered by the state Outdoor Advertising Control Act.** The regulations in Act 160 do not apply to other roadways in the Commonwealth. For these roadways, regulation of outdoor advertising is the responsibility of local authorities.

<sup>14</sup> Further information on which roads are covered by Act 160 and regulated by the state can be obtained from your local Pennsylvania Department of Transportation office, as listed in Appendix A, or can be obtained from the PENNDOT website at [www.dot.state.pa.us](http://www.dot.state.pa.us). On the website, click on “Special Interest Areas”, then click on “PA Byways”, and on the Pa Byways page click on “FAP/NHS County Maps”

## How the Pennsylvania Outdoor Advertising Control Act of 1971 (Act 160) works

- **Act 160's Goal - to limit off-premise outdoor advertising to commercial and industrial areas.**
- **PENNDOT is responsible for implementing Act 160.**
- **Each PENNDOT district implements and enforces Act 160 in its own district.**
- **Act 160 establishes a 660' "control zone" along the highway where regulations apply.**
- **Act 160 outlines what type of sign is allowed in which area of the control zone.**
- **No un-official sign is allowed within any state highway right-of-way.**
- **Control standards for the placement of signs differs between rural and urban/suburban areas, and between interstate and other state highways.**

The act works by identifying different sign types and land uses along areas of the highway, and by setting different control standards for each sign type and land use. The state legislature gave the Pennsylvania Department of Transportation (PENNDOT) the responsibility for developing and enforcing the regulations implementing Act 160. Those regulations are published in Title 67 of the Pennsylvania Code for Transportation, Chapter 445.

Since the regulations were adopted, PENNDOT has clarified details in the regulations in response to questions and court challenges. Questions often arise in areas where there are exceptions to the general rules, such as "Cotton" or "Kerr" areas where the date of when the highway was built or when the area was incorporated can change the need for a state permit. For these reasons, questions on specific issues in Title 67, Chapter 445 should always be addressed to the local PENNDOT District office for up-to-date information on the outdoor advertising control regulations.

Under Act 160, all non-official signs are prohibited within the highway right-of-way. The road right-of-way is the area immediately adjacent to the road that is held by the state for the road and its maintenance. On smaller roads, this includes the pavement and the associated shoulder or road berm. On larger roads, however, it may include a medium strip and a wider landscaped or mown corridor along the roadway, and can be 120 feet wide or wider.<sup>15</sup>

Under Act 160, PENNDOT has established a 660-foot outdoor advertising "control zone" extending out from either side of the highway right-of-way. The signs regulated in the control zone are all signs pointing toward the highway whose message is visible and intended to be read from the highway. The control zone is 660 feet in urban and suburban areas, but can potentially extend beyond the standard 660 feet in rural areas for very large signs put up with the purpose of their message being read from the controlled highway.

Within the 660 foot control zone, sign control regulations become detailed. What advertising sign is allowed, and whether it needs a state permit depends on where the sign is located, what type of sign it is, how large the sign is, when the sign was put up, and how close it is to other signs.

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<sup>15</sup> Local PENNDOT districts and local municipalities have maps that show the width of most road right-of-ways in their area. For the lay person, a rough estimate of the road right-of-way can be made by looking for utility line poles. They are often placed just inside the edge of many road right-of-ways.

**Regulations applying to all signs.**

Under Act 160, all signs, regardless of type, must meet set safety standards regarding lighting. Lights may not be pointed toward drivers or reflect in such a way as to impair the drivers vision. No sign may interfere with traffic signals or signs, and no sign may have flashing and blinking lights that would distract drivers.

In addition, no type of sign may be attached to trees or be painted on rocks. No sign may be placed in a way that prevents a driver from having a clear and unobstructed view of official signs or approaching or merging traffic.

**State sign control standards are set depending on 3 defined sign types:**

- Directional and official signs
- On-premise advertising signs
- Off-premise advertising signs

Chapter 445.6 of the regulations specify which types of signs need state permits. It outlines what types of signs can be placed within the control zone of the interstate and primary highway and where they can be placed. Even if a sign does not need a state permit, it must comply with the land use, size and spacing standards set by the regulations in order to be legal.

In the Pennsylvania state regulations, the concept of an “on-premise” advertisement and an “off-premise” advertisement is a critical distinction. An on-premise sign or billboard must primarily identify and advertise the main business, service or industry that is present on the site. It can also be a for-lease or for-sale sign for the property. If a sign or billboard brings rental income to the property owner, it is not considered an on-premise sign. On-premise signs do not need a state permit, but must meet state standards in size and placement, and have local permits or meet local sign control ordinances to be considered legal by PENNDOT.

“Off-premise” signs, or “general outdoor advertising devices,” have predominantly trade or brand names rather than the name of the business or site where they are located, or they provide rental income to the property owner from an advertising agency or sign company. These off-premise general outdoor advertisements are subject to more controls in size, spacing and location. The goal of the HBA and Act 160 is to limit off-premise outdoor advertising to commercial and industrial areas along the interstates and FAP highways.

**Restrictions on off-premise outdoor advertising**

For off-premise advertising, certain restrictions on size, spacing and lighting were put in place to control sign proliferation even within those commercial and industrial areas. The restrictions vary between urban areas and rural areas. Because the laws were geared more toward protecting rural areas from billboards and other outdoor advertising, they were written with slightly more controls in rural areas and more lenient controls along roadways that run through urban areas. In Act 160, urban areas were defined as cities of all classes, and boroughs.

**Key points on the State's off-premise advertising restrictions**

- Signs are regulated
- by type of highway
  - by rural v. urban
  - by zoning or land use
  - by size
  - by spacing

**In Urban Areas (cities and boroughs)**

- The control zone extends only 660 from right-of-way
- Off-premise advertising is allowed in commercial or industrial zoned areas
- On interstates and limited access highways, off-premise signs are to be spaced at least 500 feet apart
- On regular access highways, off-premise signs are to be spaced at least 100 feet apart.
- On-premise and directional signs are not counted in the spacing requirement between off-premise signs
- Off-premise signs may be no larger than 1200 square feet, but may be double sided or v-shaped with two 1200 square feet faces pointing in opposite directions
- each side of the road is evaluated separately for spacing

**In Rural Areas**

- The control zone generally extends 660 from the road right-of-way, but can extend beyond 660' for large signs erected for the purpose of being read from the highway
- For un-zoned areas, off-premise advertising is allowed only within 800 feet of an area of commercial or industrial activity visible from the road. For areas with zoning, off-premise advertising is only allowed in commercial and industrial zones
- Off-premise signs are to be spaced at least 500 feet apart on interstate and limited access highways, and at least 300 feet apart on regular access highways
- On-premise and directional signs are not counted in the spacing between off-premise signs
- No off-premise sign is to be within 500 feet of interchanges or safety rest stops
- Each side of the road is evaluated separately for spacing

There are some exemptions and special circumstances that apply to these general rules. For full information and for any revisions or changes in how these rules are applied statewide, contact the outdoor advertising control officer at your regional PENNDOT district for more information.

**Municipalities where state sign control permits are not needed.**

- Philadelphia
- Pittsburgh

State permits are not required in municipalities that have been certified by the Secretary of Transportation as maintaining their own program of outdoor advertising control. Currently, Philadelphia and Pittsburgh are the only municipalities that have been certified by the state. This certification does not exempt the municipalities from the provisions of the Highway Beautification Act. The municipality's regulations have to establish an approved means of providing "effective control". This certification maintains the requirement that off-premise outdoor advertising be limited to commercial and industrially zoned areas within the 660 foot highway control zones in the municipality.

## **State permits versus local permits**

*“nothing in this act shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution which are more restrictive than the provisions in the act”*

Section 13: Act 160

The requirement for a state sign permit does not exempt a sign from needing a local permit. If a local municipality has an ordinance that requires general outdoor advertising devices to obtain a local permit, then that local permit must be obtained before the state can issue its permit. If the local ordinance is more restrictive than the state as to what signs need permits and where they may be located, those local conditions must be met. The state will not issue its permit if a local permit is required and has not been obtained.

As noted before, Act 160 does not apply to local roads and highways that are not designated federal-aid primary highways. No state permits are needed for general outdoor advertising on these roads, even though local permits may be needed.

## **Nonconforming Billboards**

**General tips on identifying nonconforming billboards:**

- If a billboard structure has wooden supports or a wooden structure, or
- has three or more narrow metal supports

**it is likely to be an older, nonconforming board.**

**Billboards built since the 1980's tend to have a single large metal pole (mono-pole structures)**

Act 160 was signed in 1971. Any billboards along the controlled roadways that were in existence prior to 1971 became non-conforming billboards at that time. Non-conforming means they were put up legally before the law, but they don't meet the standards of the new law. Although a non-conforming billboard is allowed to remain, it cannot alter its original structure in direction, size, shape or placement. The non-conforming billboard can maintain its state permit unless it is altered. While regular maintenance provisions in the state law allow portions of the signs to be repaired and replaced with like materials, if too much of the sign is replaced or is otherwise altered the sign can lose its nonconforming status and its right to a permit. It then becomes illegal and must be removed.

Many legislators and citizen roadside groups assumed these older billboards in rural areas would disappear over time, but the signs' continued profitability have ensured that they have remained, even in the rural and scenic areas that the billboard control laws were specifically designed to protect. Some states took action to remove non-conforming billboards shortly after the passage of their outdoor advertising control laws, but many states, like Pennsylvania, did not. The issue of what to do about nonconforming billboards in rural and scenic areas continues to be debated on both the federal and state level.

## **Enforcement of Act 160**

Each PENNDOT District is responsible for permitting and the enforcement of Act 160 along the interstates and FAP highways in its district. Generally, the work is done by personnel in the District's Right-of-Way section. They issue permits and conduct regular field surveys along the regulated roadways to monitor compliance and ensure no illegal signs are in the control zone. They are very familiar with the outdoor advertising in the area, and are a good resource for answering questions about state regulations and the conforming or nonconforming status of particular signs.

**Other State Sign Control Laws**

Pennsylvania has other restrictions on general sign placement that are not part of Act 160. These regulations are part of other codes and statutes that deal with traffic safety and public welfare.

**Title 67, Section 211.10:**

**The right-of-way restrictions that apply to all Pennsylvania state highways**

State regulations prohibit the placement of any sign in state road right-of-ways without written consent. This prohibition covers all state highways, not just those that are part of the federal-aid highway system. **Section 211.10** of the state transportation code states: “(a) *Prohibition. It shall be unlawful to place any sign, banner or advertising matter of any kind whatsoever on or across any Commonwealth highway or on or across any structure within the legal limits of any State-designated highway without first having obtained the written consent of the Department.* (b) *Abatement. Any such sign, banner or advertising matter placed without the consent of the Department shall be declared to be a public nuisance and may be abated by the Department with or without notice to the persons responsible for the placing of such sign.*”

Although this regulation covers only state roadways, most municipalities have similar regulations prohibiting signs and other non-authorized objects in the local road right-of-ways.

**Title 67, Section 211.2(b)**  
**The traffic device restrictions that apply to all traffic signs on all roads.**

State regulations also prohibit placing signs on any official traffic device. **Title 67, Section 211.2(b)** specifies, “*No traffic sign or its support shall bear any commercial advertising.*” This applies to advertising signs that are placed on any traffic sign or support, regardless of whether it is on a state road or local road.

**Title 18, Section 6905 of the PA Crimes Code**  
**The utility pole restrictions that apply to all utility poles on all roads and easements**

**Title 18, Section 6905** prohibits the placement of any signs that use metal nails, tacks or staples on utility poles. The regulations state “*a person is guilty of a summary offense if he drives a nail or tack or attaches any metal or hard substance to or into any pole of any public utility pole line.*” These regulations apply to all utility poles on all public roadways, whether state or local, and on utility poles on right-of-way easements. This is to insure utility workers can quickly and safely access utility lines in emergencies without difficulties due to nailed or stapled signs and advertisements.

## Section 4: Local Sign Control Laws

### The need for a strong local sign control law

*“First impressions matter. This applies to communities as well as to people. For visitors and residents alike, the first impression of Monroe County and its Pocono Mountain landscape is shaped by what is visible along its roadways...Even though roadways occupy only a small percentage of land area of the county, they nevertheless represent the county as a whole and present the county’s face to the world.”*

Monroe County  
Comprehensive Plan:  
Enhancing the  
Roadscape

*Zoning ordinances ... may permit, prohibit, regulate, restrict and determine: (2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.*

- Article VI, Section 603  
(b)(2) of the  
Pennsylvania  
Municipalities Planning  
Code

The Highway Beautification Act was passed to preserve the scenic beauty of rural areas and the visual attractiveness of local communities. This is an ongoing concern, especially in areas that are under development pressure. As traffic volume increases in an area due to development, roadway redesign or new roadway construction, and as land is rezoned as part of development, new markets open up for sign companies. Without strong local sign regulations, the visual environment in a community can change overnight.

Communities often struggle with the question of which type of sign control ordinance is best. This question has no definitive answer. The type of sign control that is best depends on factors such as:

- the history of sign control in the community
- the need and opportunity for outdoor advertising in the region
- the public tolerance or intolerance for billboards and signage
- the community’s vision of its future
- public interest and investments in community esthetics
- the resources of the community for enforcement.

These factors differ from urban areas to a rural countryside and from community to community, creating different ordinance needs.

In Pennsylvania’s 2,000 + municipalities, there are 2,000 different types of sign control ordinances. Since federal and state law regulates signs by sign type, land use, size, and spacing, most local ordinances do the same. In Pennsylvania, it is common for the local outdoor advertising control laws to be more restrictive than the state law.

Most local regulations are written to control signs along all roadways, not just on the state or interstate highways. For municipalities that zone, the sign control ordinances are frequently found in the zoning section of the municipal ordinances. Some municipalities have their sign ordinances separate from their zoning code, particularly those areas that do not do land use zoning.<sup>16</sup>

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<sup>16</sup> You can obtain a copy of your local sign control ordinance from your local municipal office. In addition, many Pennsylvania municipal ordinances are available online. You can look for the code at your municipal website, if there is one. Two other good web sites to view for municipal codes are [www.generalcode.com](http://www.generalcode.com) and [www.municode.com](http://www.municode.com). In both web sites, click on “e-codes online” or “online codes” and look for Pennsylvania codes. Most sign regulations are in the zoning section of the municipal ordinance, although some municipalities have sign ordinances that separate from the zoning code. You can often find the sign ordinance by doing a keyword search. Good search words are “billboards,” “advertising sign,” or “permitted signs.”

## **Sign regulation and control by sign type:**

- **On-premise or accessory signs**
- **off-premise or non-accessory signs**
- **commercial signs**
- **non-commercial signs**
- **political signs**
- **“event” signs**
- **directional signs**

Most municipalities regulate signs by sign types, with different controls for on-premise signs and off-premise signs. In addition to these standard types, ordinances need to be concerned with other sign types, such as non-commercial message signs, political signs, community event or promotion signs, and directional signs for various businesses or activities. The sign types that are regulated need to be clearly defined in the ordinance’s definitions. Of critical importance is that while the sign type may be regulated, regulation of sign content must be avoided. No ordinance should be written that has the effect of allowing commercial signs while prohibiting non-commercial messages or signs.

Billboards are sometimes identified separately as a specific sign type, or may be included in a broader definition of off-premise signs. Some municipalities ban billboards, but allow other types of outdoor advertising, such as bus stop benches or shelter advertisements. Clear identification of the type of sign being controlled is important, especially since advertising is evolving. Definitions must encompass new forms of outdoor advertising, such as mobile advertisements, wall wraps and electronic or digital displays.

## **Sign regulation and control by zoning or land use:**

Many municipalities limit off-premise commercial outdoor advertising to certain land use areas in the community. These are commonly industrial or commercial areas since advertising signs in these areas are seen to be a somewhat more compatible use. The rationale was that these areas already have business signs, they are removed from most people’s homes, and are often less attractive to begin with. In theory, these areas were believed to have fewer conflicts with large signs.

## **Industrially zoned districts**

### **Examples of industrially zoned area restrictions**

#### **Pittsburgh - Outdoor Advertising Overlay Districts**

#### **Philadelphia – setback requirements, corridor restrictions and historic district restrictions.**

Even in industrial areas, however, problems can arise with outdoor advertising. In older municipalities, industrially zoned properties border or intermix with residential properties, parks, or school grounds. In addition, many modern industry complexes have made significant investments in their landscaping and physical appearance and use those esthetic investments to attract tenants. Those businesses may object to billboard placements, even though they are in an industrial use area. Some communities are making older industrial zones into tourist destinations, drawing on people’s interest in America’s industrial heritage. Billboard structures in these areas may now be an incompatible use. For these reasons, some cities restrict outdoor advertising to specific areas, or overlay districts, within the larger industrial zones.

Recognizing that not all industrial areas are alike, Pittsburgh’s recent sign control law created an outdoor advertising overlay within the city. The hope is that this technique will help control billboards and outdoor advertising in industrial areas of esthetic concern and in old industrial areas now under redevelopment, such as along Pittsburgh’s historic riverways and gateways. The overlay districts are planned to assure that the placement of signs will be compatible with city planning and development, even within industrially zoned areas.

Philadelphia took a different approach in its industrial areas. In Philadelphia, billboards and off-premise outdoor advertising are allowed in the “least restricted” industrial zones but the law specifies certain distance setbacks away from residences, parks or schools. In gateway areas, billboards are banned along sections of some parkways and interstates, and along Penn’s Landing Waterfront. In addition, billboard prohibitions apply on industrial properties that are within recognized historic districts.

## **Commercially zoned districts**

**Some municipalities restrict general outdoor advertising to those commercial districts that are have fewer esthetic or safety concerns. Examples of Highway Commercial zoning for signs include Ephrata Township in Lancaster County, and Bensalem in Bucks County, among others.**

Traditionally, many sign control ordinances allowed off-premise commercial advertising in commercial districts. But not every municipality feels they are appropriate there. Towns that have historic or visually appealing commercial districts or those attempting to develop a visually attractive shopping area may want to prohibit or severely restrict off-premise signs to prevent visual clutter. For many businesses, providing a visually attractive environment for customers is extremely important, and they need the community to provide a streetscape that supports or enhances their efforts to provide an attractive shopping environment. Studies show that people’s preference for a commercial street scene increases as the areas sign’s “obtrusiveness” level decreases.<sup>17</sup>

In addition to esthetics, communities need to look at traffic safety and congestion issues. Most commercial districts have a large number of on-premise business signs, along with traffic, pedestrian and directional signs that create more sign messages than a driver can easily read or assess. Add traffic congestion, intersections, pedestrian traffic, cross traffic and cars pulling in and out of parking spaces, and the potential of driver distraction and confusion is significant. For these reasons, some municipalities do not permit off-premise advertising signs in their town centers or commercial districts. Others limit off-premise commercial advertising to areas zoned highway-commercial, where there is less cross traffic and congestion.

## **Sign regulation and control by spacing restrictions**

Another common restriction is spacing standards for outdoor advertising signs. Spacing billboards apart can help reduce clutter and congestion and prevent a roadway from becoming a “billboard alley”. In Monroe County, PA, the model ordinance suggests placing billboards no closer than one every half-mile, to prevent negative impacts along the scenic roadways that tourists have come to see. This also provides an advantage to advertisers, who can be assured that their advertisement is not buried in a cluttered swarm of advertising.

In contrast, in places like Philadelphia, many areas of the major roadways have large billboards every 500 feet or less. In addition to obscuring views of the city skyline and historic and scenic areas of the city and creating visual congestion, this creation of a billboard alley guarantees that not every advertisement can be seen or

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<sup>17</sup> Jack L. Nasar & Xiaodong Hong (1999) Visual Preferences in Urban Scenescapes. *Environment and Behavior*, 31, 671-691

understood by travelers. Buried in the clutter, the individual advertiser has no assurance that his ad will stand out or even be noticed by drivers and passengers on the road amid the vast amount of other distractions, ads and visual stimuli.

## **Sign regulation and control by size restrictions**

**Philadelphia:  
Maximum 1500 square feet per sign structure**

**Monroe County model ordinance:  
100 sq. feet**

**Upper Chichester Township, Delaware County:  
100 sq. feet by right, 200 sq. feet by special exception**

**Borough of Upper Darby, Delaware County:  
300 sq. feet**

**American Planning Association:  
Recommends setting a maximum total sign area for all signs on the property, both on-premise and off-premise together, based on zoning class, percentage of lot area, or percentage of roadway frontage.**

Most communities set sign size restrictions or standards. This is especially true in those communities that do not do land use zoning. Since large billboards earn a sign company more revenue, there is often a push by the companies to obtain permits for bigger and bigger signs. They often advance the argument that the larger size is the “industry standard”, and no other size is feasible. But new graphics and printing techniques have made it possible for advertisers to economically produce signs in a wide range of sizes.

Sign companies even note on their own websites that the small size advertisements of 22 to 72 square feet are available for advertisers in markets “where larger media are unavailable or not permitted”.<sup>18</sup> The sign companies recognize that regulation of size is common and therefore work to provide a wide range of size options for their customers.

A model ordinance developed by the Pocono Chamber of Commerce, where promotion of tourism is a critical concern for local businesses, recommends a limit of 100 square feet for both on and off-premise outdoor advertising. Since the natural environment is a primary selling feature for the Pocono area, larger advertisements conflict with the region’s economic needs and goals.

Many communities feel smaller advertisements are more compatible to their streetscape, especially if the community imposes strict size limitations on on-premise business signs. Allowing large off-premise signs while requiring smaller on-premise business signs puts the local business at a disadvantage when prospective customers can read only a limited number of signs while traveling. Pennsylvania’s Commonwealth Court has ruled in favor of restricting off-premise advertising to the same size as on-premise signs when there was a clear rationale for that size standard.<sup>19</sup>

The American Planning Association recommends looking at all signage on the site, both on-premise and off-premise signs, and setting a total maximum sign area for all signs on the property. In this method, the business or property owner has more latitude to determine what type of sign will be on the property, while the municipality ensures that excessive sign proliferation and blight do not occur along its roadways.<sup>20</sup>

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<sup>18</sup> From the Lamar website [www.lamaroutdoor.com](http://www.lamaroutdoor.com) in the “products gallery” page as of 04/2004

<sup>19</sup> J.B. Steven, Inc. v. Wilkins Township, 654 A.2d 135 PA. Commonwealth Court (1994)

<sup>20</sup> Eric Damian Kelly & Gary J. Raso, (1988) Sign Regulation for Small and Midsize Communities (Am. Planning Ass’n. Service Report No. 419.)

## Sign regulation and control by height restrictions

Example:  
Upper Chichester  
Township, Delaware  
County

- maximum freestanding sign height: 35 feet
- no signs projecting on or above the roofline of buildings

In addition to size and zoning restrictions, most municipalities have height restrictions. The most common height restriction is the prohibition of rooftop signs, or tall signs that project above rooftop height. Many municipalities prefer the bus shelter signs that are at street level, allowing off-premise outdoor advertising without creating a cluttered skyline.

Other municipalities allow taller off-premise advertising on single structures, but require those taller structures to follow specific building codes or to provide for safety inspections. Since some of the larger billboard structures can tower over 100 feet into the air and weigh over 17 tons, construction review or construction inspection requirements are sometimes prudent. Although failure of billboard structures is very rare, the collapse of a billboard under construction in Snellville, Georgia killed three people in 2001.

## Sign regulation and control of lighting

*Something about the night sky causes us all, young and old, to ponder over the very basic questions. We are inspired and motivated."*

-- Kalpana Chawla  
Mission Specialist and  
member of the crew of  
the ill-fated Columbia  
Space Shuttle STS-107 -  
February 1, 2003

While it is true that every municipalities sign ordinance addresses the issue of distracting, flashing, and glaring lights, very few address the issue of light pollution. When applying for a billboard or sign permit, most sign companies state that the billboard will have lights, and these lights remain illuminated at night. A community needs to consider whether this is necessary. While other businesses may need lights at night for security reasons, lights on a billboard have no security purpose. They are lit at night to increase the billboard's value by providing more selling time to the advertiser.

Lights for billboards are designed specifically to point up to the sign. As such, they are particularly upsetting to local astronomers and citizens who value the night sky and want to prevent or reduce light pollution in their community. A community needs to determine if nighttime lighting for off-premise advertising is a necessary part of the sign, or if it creates light pollution and a nuisance to residents and community members. Having billboards illuminated late into the night may be incompatible with the community's esthetics or its rural nature. A sign that is not objectionable during the day may be overly conspicuous and glaring if it is the only large lighted object on the roadscape at night. This can be especially true in rural areas.

## Sign regulation and control by new construction bans:

Some municipalities prohibit new billboard construction. In general, these ordinances are written to allow current non-conforming off-premise outdoor advertising in the community to continue, but prevents new construction and proliferation of additional signs. Nationwide, a number of municipalities allow off-premise outdoor advertising, but ban new sign construction. Rhode Island state law has prohibited any new billboard construction since 1990.

New construction bans have been challenged by sign companies as being exclusionary in nature. In order to be seen as valid in Pennsylvania, care must be taken that this type of ordinance show that the new construction restriction either does not prohibit outdoor advertising in the municipality, or that it has a strong and well reasoned substantial relationship to a stated public good.

### **Sign regulation and control by billboard permit caps**

**Example:  
Philadelphia's 1991  
Outdoor Advertising  
Control Law**

Another type of off-premise outdoor advertising ordinance is a "cap and replacement" ordinance which limits the number of off-premise outdoor advertisement permits that can be issued. In general, the ordinance stipulates that if a new outdoor advertising sign is erected, an older existing sign or signs of equal sign face area must be removed. This type of ordinance is typically written for cities that have large numbers of older non-conforming signs in inappropriate locations. This "cap" to the total number of billboards provides incentive to the sign companies to remove the older non-conforming signs in exchange for newer signs in more appropriate locations. Oregon capped the number of billboards permitted on its state and federal roads in 1975.

### **Sign regulation and control by billboard bans:**

***"[T]o hold that a city cannot prohibit off-site commercial billboards for the purpose of protecting and preserving the beauty of the environment is to succumb to a bleak materialism."***

**--Judge Tobriner in Metromedia, Inc. v. San Diego, 154 Cal.Rptr. 212, 232, 592 P.2d 728, 748 (1979)**

Over 1,000 communities nationwide have bans that prohibit off-premise outdoor commercial advertising in their communities.<sup>21</sup> Typically these ordinances are in place in communities that are either wealthier or more residential in nature. They are frequently in place in communities where visual esthetics are considered to be critical to economic growth, such as resort communities or travel destinations. Hawaii banned all billboards statewide in the 1950's, and New Hampshire, Maine, Vermont and Alaska followed suit in the 1970's. Bermuda promoted itself in the tourism industry for some time as "An island so beautiful, we don't allow billboards".

In Pennsylvania, a billboard ban ordinance must be carefully crafted, because it excludes a property use from the community and is therefore considered exclusionary zoning. Strong justification for this exclusion must be made for it to withstand legal challenge. This is discussed in more detail in Section 6 – Enforcing and Defending Local Sign Control Ordinances.

In addition, the language of the ordinance must not inadvertently prohibit noncommercial signs and messages. Courts have consistently ruled that any outdoor advertising ban that has the effect of banning non-commercial signs used for political speech or opinion will be found unconstitutional.<sup>22</sup> The size and placement of those signs may be regulated, but they may not be banned.

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<sup>21</sup> Scenic America's website lists cities nationwide with billboard bans. You can view it at [www.scenic.org/billboardsign/communities.htm](http://www.scenic.org/billboardsign/communities.htm)

<sup>22</sup> Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 101 S.Ct. 2882 (1981)

## Sign regulation and control by content restrictions



### Welcome to Philadelphia?

**Municipalities cannot control content on signs. A better approach is to remove, reduce or downsize sign clutter in gateway areas to a community.**

Controlling content on billboards has been contemplated by some municipalities. When tobacco advertisements were common on billboards, some cities considered trying to ban specific ads, such as alcohol and tobacco advertisements near schools and playgrounds. Missouri is currently wrestling with the problem of trying to write content control into their state sign regulations, due to concern over the proliferation of billboards advertising adult entertainment services to tourists traveling through western Missouri.

Content regulations are very difficult, if not impossible to write without running afoul of First Amendment considerations. Attempts to regulate content of billboards and outdoor advertising have rarely been successful, and are almost always subject to court challenges. More commonly, content control is done as a voluntary agreement between the property owner and the sign company. Some municipalities that lease space for outdoor advertising on buses and bus stops specify that certain advertisements are prohibited. However, this type of control must be applied carefully, and spelled out in advance. Rejection of advertisements on a case by case basis can be found to be excessive content control by courts.<sup>23</sup>

Some individual property owners also develop lease agreements that prohibit certain types of advertisements on their property. But not every sign company will agree to these types of voluntary restrictions.

In the case of tobacco advertising, a voluntary ban on outdoor advertising was made as part of the nationwide tobacco settlement. On other content concerns, municipalities may ultimately find it more effective to ban billboards and pay for removal of older billboard structures, than to engage in a long drawn-out legal battle over content regulation in outdoor advertising.

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<sup>23</sup> Christ's Bride Ministries Inc. v. Southeastern Pennsylvania Transportation Authority. 148 F.3d 242 (3d Cir. 1998)

## PART II

## Effective Control of Outdoor Advertising

- **Effective Sign Control to Enhance a Community's Civic Environment**
- **Enforcing and Protecting a Local Sign Control Ordinance**

***"Communities should be planned with an eye to the effect on the human spirit of being continually surrounded by a maximum of beauty."***

--Thomas Jefferson

***"Sign regulations have traditionally been one of the most complicated parts of the zoning code. Difficulty stems from the fact that the many essential purposes that signs serve in a community are exceeded only by their type and number... it has been the experience in many communities that the politics of signs are at least as volatile, but quite separate from, the politics of zoning."***

Preparing a  
Conventional Zoning  
Ordinance – American  
Planning Association,  
1977

It is not an easy task to enhance the public space while providing for growth and a thriving business environment. However, without far-sighted action the slow erosion of beauty and a visually pleasing environment in a community can go unnoticed until it has gone too far. Preventing that decline is easier than reversing it, and can be done by building a community's understanding and appreciation of the visual environment.

To preserve, protect and enhance a community's visual environment, community members need to bring their concerns to local planners and municipal officials. Citizen groups need to provide the drive for enhancing and protecting the visual environment. The Highway Beautification Act came about by the actions of women's garden clubs throughout the U.S. who worked together the issue. In addition, business leaders need to be actively involved to ensure that the community's' roadscape enhancements benefit community, businesses and citizens alike.

There is no single, simple solution to protecting and enhancing the roadside and community visual environment. Alone, a good sign ordinance cannot preserve a community's visual environment or prevent visual blight. Without a connection to the broader issues of community planning, public welfare, and community esthetics a sign ordinance, no matter how well written, is ineffective. Why? Because Pennsylvania courts have indicated that a sign ordinance that does not have a foundation in community planning can be vulnerable to legal challenge.

Protecting or enhancing a community's visual environment through strong sign control is not a complicated process, but it does take some time to do it properly. It begins with planning for the roadside visual environment. This process involves:

- assessing the community's roadway visual environment
- assessing public opinion about the roadscape and outdoor advertising
- planning for effective local control

The process moves to maintaining effective sign control through:

- strengthening local sign control ordinances
- enforcing local sign control ordinances
- defending local sign control ordinances from legal challenge

No one group can do this. It is an effort that works best with the input of individual citizens, business people, local municipal staff and planners, and in particular, citizen groups.

## **Section 5: Enhancing the Roadscape Through Effective Sign Control**

***“In contrast to the conventional wisdom that beauty is in the eye of the beholder, research shows strong consistencies in what people like and dislike in the environment .... findings suggest that beauty in the environment is less qualitative and subjective than many people think it is.”***

**The Evaluative Image of the City – Jack L. Nasar, 1998**

***“Enhancing the roadscape and restoring community appearance first require identifying those characteristics and elements along roadways that undeniable compromise Monroe Count’s image”***

**Enhancing the Roadscape: Identifying Visual Distress – Monroe 2020 Comprehensive Plan**

The process of planning, protecting and enhancing the visual characteristics of a community can be done either by community planners, or it can be started by a group of citizens who are strongly committed to the visual environment of their community. However, if a citizen group starts this process, they will be most effective if they work closely with business groups, planners, planning commissions, and municipal staff to ensure that their work is translated into action in the community.

In a number of court cases involving signs, the issue of what enhances and what degrades a community’s esthetic environment can become a debate. A community that has looked objectively at its esthetic environment and made rational decisions on which characteristics improve, degrade or clutter their visual environment, is in a strong position to develop a good and effective sign control ordinance.

Communities need to recognize that their roadscape is a significant part of their landscape. Effective sign control is a critical part of enhancing and protecting the roadscape. To achieve effective sign control, a visual “boon or blight” survey along the community roadways should be done in order to develop information on what promotes and what detracts from the visual environment in the community. With that information, municipal staff, planners and community members can develop community goals and a strategy to protect, preserve and enhance their communities’ unique visual environment. This will provide the necessary foundation to a strong ordinance ensuring their right “to the preservation of the natural, scenic, historic and esthetic values of the environment”, as guaranteed in the state constitution.

### **Assessing a community’s visual environment by conducting a visual blight survey**

Conducting a roadside visual environment survey allows planners to take a good hard look at what roadscape features enhance or detract from the community. This type of survey is not a massive undertaking, nor does it take special expertise. In a small or medium-sized community, a group of concerned citizens could do it in a few weekends. While local or county planning staff may have done some work to enhance select portions of community roadways, often no one has looked comprehensively at the community roadscapes. And if no one has done a survey looking objectively at the actual roadside visual environment, how realistic or effective can any roadscape planning be?

## **Conducting a roadscape survey**

- **divide a community map into sections**
- **make survey sheets that cover issues of interest, both in beauty and in blight**
- **drive, walk or bike roadways in each section filling out survey sheets**
- **mark the map sections with points of visual beauty or blight noted on the survey sheet**
- **Take plenty of pictures and document the important features in the photographs**

## **A sampling of educational tools:**

**Roadside Beauty - a visual blight workshop**  
Pennsylvania Resources Council

**Oh, Say Can You See – a visual awareness toolkit**  
Scenic America

**ViewFinders Too – Exploring Community Appearance**  
The Dunn Foundation

**Placemaking – tools for community action**  
Placematters.com

The equipment needed for a roadside survey is simple - good street maps, survey data sheets, and a camera.<sup>24</sup> Decisions on what roads will be covered need to be made prior to the start of the survey. The survey can cover major gateway roads into the community, it can focus on representative road types within the community, or it can try to cover all roads within the community.

During the survey, the survey team travels the selected roads and records what is found. Billboards or other off-premise advertisements that are a problem are photographed and their location marked on the map. Areas that have a persistent problem with litter or street spam signs can be circled as reoccurring problem spots. Areas that are cluttered or could be enhanced by better landscaping can be noted and photographed. Areas that provide good visual amenities, scenic views, or are of particular beauty, community significance or interest are also noted and photographed.

Survey crews should be reminded that if it is difficult or dangerous to stop along a roadway for photographs, safety considerations should come first. In addition, care must be taken not to trespass on private property while conducting the survey. Crews should strive to keep the survey professional and factual - it is not a venue for personal critiques of property owners or businesses. If it is a citizens group that is conducting the survey, they should meet with local planners before and after the survey to share the results.

## **Assessing public opinion about the community roadside visual environment**

Most people don't think about their community's roadside appearance until something happens that changes it for the worst. By then, it is too late. To prevent the worst from happening, it is important to bring educate the community, bring the issue to people's attention periodically, and solicit their opinion on what is important to them in community esthetics. The community visual blight survey can be used as the basis of a community workshop, a town meeting presentation, or a local news article, in order to engage people in the process.

The goal of any education program is to help people understand the issue and be able to discuss their opinions and concerns. Several organizations have developed good educational tools to use in a community-based program on the visual environment. Television news can be useful in explaining issue of community esthetics to people when the community survey has documented areas with the visual "punch" to clarify the issue. Computer programs can be useful in creating digitally modified pictures to create "before" and "after" displays that help people visualize both the problems and the potentials that exist along their roadways.

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<sup>24</sup> An example of a community survey sheet is included in Appendix B.

## **Developing the vision: incorporating roadside issues in comprehensive planning**

### **Comprehensive Planning in Pennsylvania**

**Every county is required to develop a comprehensive plan. But county comprehensive plans are only advisory in nature. While local municipalities are not obligated to follow them, the Pennsylvania Municipalities Planning Code (MPC) strongly encourages municipalities to adopt comprehensive plans consistent with the county plan.**

**Although the right to the preservation of esthetic values is guaranteed in the Pennsylvania state constitution, the MPC does not use the term “esthetic values” in its general provisions. It does note that, among other things, zoning ordinances should be designed to prevent blight (Section 604 (2)).**

Pennsylvania law delegates authority to local municipalities for regulation of land use through the MPC – the Municipal Planning Code. The MPC ensures planning and land use regulations are implemented uniformly throughout the 2,569 local municipalities in the state. As part of the MPC, the state encourages local governments to develop and adopt comprehensive or joint comprehensive plans for land use in their communities which are consistent with countywide comprehensive planning.

Comprehensive planning provides a way for local governments to look ahead, prepare, and direct what is anticipated will happen in their communities in the future. Although comprehensive planning is not perfect, it does provide a framework to manage change before it overwhelms a community.

One drawback of many comprehensive plans is that few planners address the issue of the visual environment along ordinary roadways. Travel on local roadways is a major part of most people’s day. Impressions formed by what people see from their cars affect their decisions on where to live, work, shop or spend their leisure time. Yet far too many comprehensive plans deal with roadways by looking at them as plumbing problems and therefore only focus on traffic flow. One can envision how ugly a bathroom might look if the home builder only focused on maximizing flows in and out of that room. Planners need to address the esthetics of the roadscape and its impact on people’s perceptions of the community in addition to addressing traffic flow and congestion.

For those comprehensive plans that do address the community’s visual environment, most talk about select areas such as scenic roadways or historic sites, and do not address the issue of the visual environment on the everyday roads that the majority of people use. When these plans make no mention of the visual environment or the esthetics of the community’s roadscape, they may inadvertently leave local sign ordinances vulnerable to challenge. A court judge may well ask, “if sign control and preventing visual blight on roadways is so important, why wasn’t it be addressed in community planning documents”?

Monroe County, in northeastern Pennsylvania, provides one example of how to incorporate roadside blight issues into a comprehensive plan.<sup>25</sup> Its plan recognizes that enhancing the roadscape will benefit business and tourism in the region and will affect residents’ attitudes about their communities. The plan outlines the reasons for roadscape enhancement and then identifies areas where appearance is most important. The plan not only deals with outdoor advertising but it also identifies other problems that

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<sup>25</sup> The Monroe County Comprehensive plan is available from the Monroe County Planning Commission and can be viewed on the website [www.monroe2020.org](http://www.monroe2020.org). Roadscape is addressed in Part III, Policies.

***“The Monroe 2020 task forces have recognized that addressing the image of the Poconos and the visual character of its municipalities, communities, and roadways is critical to insuring the success of the Monroe 2020 Comprehensive Plan and the future health of the region”***

**Monroe 2020  
Comprehensive Plan:  
Enhancing the  
Roadscape**

***“Township introduced no evidence that the proposed sign would be injurious.”***

**PA Commonwealth  
Court, ruling against  
Hanover Township’s  
ordinance prohibiting  
new billboards in  
Adams Outdoor  
Advertising, Ltd. Vs.  
Hanover Township  
Zoning Hearing Board,  
633 A 2d 240 (Pa.  
Cmwltth. 1993)**

***“all property in this country is held under the implied obligation that the owner’s use of it shall not be injurious to the community”***

**Mugler v. Kansas,  
123 U.S. 623,665 8 S.ST  
273, 31 Led. 205 (1887)**

occur along the roadscape such as lighting, poor landscaping, sprawling parking lots and excessive overhead utility lines. The plan then outlines clear objectives to address the problem. The plan pointed out that the lack of clear and enforceable standards was readily apparent as one drove from one municipality to another. In response, the Pocono Chamber of Commerce formed a Committee of Signage Improvement to develop a model ordinance on signage for local municipalities to use in updating their local sign control ordinances.

Addressing the issue of visual blight and enhancement of the roadside visual environment in a comprehensive plan helps support a municipality’s effort to maintain effective local control in the face of possible challenges. If a local sign control law is challenged in court, the court may look at the municipality’s claim that the ordinance protects or advances public welfare. If the issue of outdoor advertising control, visual blight and enhancement of the roadscape has never been mentioned in any county or local comprehensive plan, the courts may come to the conclusion that it is not an important part of the public welfare, and rule accordingly.

Planning jointly with other municipalities for esthetic enhancement of the roadways is one of the best ways to exert effective control of outdoor advertising in a region. It is a sensible strategy. Roadways are corridors, and a community’s residents travel those corridors through neighboring communities. Addressing the issue of the roadscape jointly provides continuity. While municipalities may develop their own standards in sign control, tying those standards to regional objectives helps clarify what is needed in their sign control ordinances. Joint comprehensive plans have the advantage of offering communities a larger area of roadway where signs can be clustered, if that is what is needed to achieve the overall planning goals. In addition, the MPC requires judges to consider the regional context of a municipal ordinance if the municipality is part of a joint comprehensive planning process with its neighbors (Section 1006-A(b)).

### **Developing and strengthening a good sign control ordinance**

No municipality can regulate land use based on preferences. While a community may prefer not to have billboards or strip malls or car dealerships, the community can only regulate land use based on the need to provide for the public health, safety or welfare. If land use restrictions are not tied to the public’s health, safety or welfare, they can be ruled invalid. That is a critical point to keep in mind when revising sign control laws.

A good ordinance is not easy to write. But there are a number of sources for model sign control ordinances. The classic book for sign control issues is **“Sign Graphics and the Law”** by Daniel R. Mandelker and William R. Ewald. The American Planning Association (APA) has published several model sign ordinances.

***“Zoning codes must balance [police] powers with constitutional protections...the right to zone is not without limits and must be exercised with caution and respect for property rights in balance with the broader public welfare”***

Preparing a  
Conventional Zoning  
Ordinance – American  
Planning Association  
1997

***“The concept of the public welfare is broad and inclusive ... [T]he values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled.”***

**Berman v. Parker, 348  
U.S. 26, 33, 75 S.Ct. 98,  
102, 99 L.Ed. 27 (1954).**

One example is in its booklet, “Sign Regulation for Small and Midsize Communities”. A good discussion on issues that should be addressed is presented in their report “Context-Sensitive Signage Design” available online at <http://www.planning.org/signs/index.htm>.

The organization Scenic America also discusses the components of a good sign control ordinance in its book **“Fighting Billboard Blight”**. Several of its state affiliates have examples of model ordinances. Scenic Michigan, has recently developed a model municipal sign ordinance that can be downloaded from their site [www.scenicmichigan.org](http://www.scenicmichigan.org).

The Pocono Chamber of Commerce developed a model sign ordinance based on the work done by the Monroe County Planning Commission, and has it available in booklet form from either the Chamber of Commerce or from the Planning Commission.

**Purpose or Intent Statement:** While there are a number of good model ordinances available to use when revising an ordinance, no model ordinance can provide the one critical piece that a community must have to make its ordinance strong. That piece is the community’s purpose or intent statement. The purpose statement needs to be tailored to each community. It explains the community’s goals, explains why the sign control ordinance is needed to meet those goals, and explains why the lack of control would be injurious to the community.

A sign control ordinance is only as strong as the reasons given as to why it was needed, and what it was designed to achieve and/or prevent. Too many municipalities do not have specific purpose statements in their sign control regulations. They rely instead on general purpose statements made at the beginning of their overall zoning or land use code. These generalized statements often prove to be inadequate if the sign control ordinance is challenged in court. The American Planning Association strongly recommends that specific purpose statements be added in any municipal code section that cover contentious issues, such as sign control.

More and more, courts look for well-reasoned and well-grounded rationales for sign control, which are tied to specific issues of health, safety, economic development, community esthetics and public welfare. Vaguely worded concerns about esthetics or promotion of the public good may well ensure that a sign ordinance will be in trouble if it is challenged. Having a purpose statement in the ordinance that relates back to issues of sign control addressed in a comprehensive plan or a legislative finding helps protect an ordinance in a court challenge.

***“The regulatory objectives specified by the statement of purpose should also assist courts in their interpretation of the ... ordinance”***

Street Graphics and the Law, Mandelker and Ewald, 1977

***“Zoning ordinances should reflect the policy goals of the statement of community development objectives required in section 606, and give consideration to the character of the municipality...”***

Section 603(a) of the Pennsylvania Municipalities Planning Code

***“...or if it brings rental income to the property owner, it shall be considered outdoor advertising and not an on-premise sign....”***

Chap. 445.5(c)(4) of Title 67 PA. Transportation Code

Well-written ordinances often list specific reasons why the sign control ordinance was written. Radnor Township’s intent statement notes that the general intent of its ordinance is to regulate all signs to ensure that they are appropriate and to protect the public health, safety, morals and general welfare. But then the ordinance goes on to list 8 specific reasons why the ordinance was written with a strong emphasis on why it is good for businesses in the township.<sup>26</sup>

Pittsburgh’s ordinance gives 12 reasons, and discusses the importance of recognizing and protecting Pittsburgh’s visual amenities such as its parks, architecture and unique views and vistas.<sup>27</sup> Philadelphia’s ordinance also gives over 13 legislative findings for its 1990 outdoor advertising control law and includes public health, esthetic and business reasons.

Not every municipality will have all of these reasons for its law, but its sign control ordinance must articulate what reasons there are for its ordinance. The reasons cannot be simply plucked out of the air because they sound good – they must be logically connect to community planning, development and public welfare.

The purpose statement should note that the sign control standards in the ordinance were developed as the minimum regulation necessary to achieve the community’s needs. The more restrictive the ordinance is, the more important the wording of the purpose statement becomes, and it is important that the purpose statements can be backed up with facts.

**Clear Definitions:** A sign control ordinance needs clear definitions that address all types of outdoor advertising. With new outdoor advertising technologies being developed, a sign control ordinance’s definition of “signs” needs to cover newer advertising devices. With digital billboards, wall wraps, large scale video displays, light projection advertisements and other high-tech outdoor advertisements being tested in California and New York markets, it is likely they will appear in Pennsylvania markets in the next few years. Older definitions in sign control ordinances that refer to “billboards” or “sign structures” may need updating to keep up with changes in the advertising industry.

A challenge to sign control, based on definitions, occurred recently in Philadelphia. A company installed a 5,000 square foot vinyl wall wrap advertisement on the side of a building with bolts and nylon cords, and failed to apply for a sign permit. When cited for illegally posting a sign, the company argued in court that no sign permit was

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<sup>26</sup> Radnor’s sign ordinance can be viewed on-line at the township website <http://www.radnor.com/government/overview/code.html>. The ordinance is in the zoning section § 280-116

<sup>27</sup> Pittsburg Urban Zoning Code, Chap. 919:Signs. Available on-line at <http://www.city.pittsburgh.pa.us>. Click on e-services and keep clicking on “zoning code” for several pages to bring up the code.

***“Each community must address sign control in a way that is appropriate to that community. Signs in Las Vegas and Reno are a modern version of an Art Deco art form....In vivid contrast, some relatively exclusive residential communities prohibit all signs except wooden painted signs...”***

Sign Regulation for Small and Midsize Communities, American Planning Association, Report No. 419

***“Notwithstanding any other provision of this article, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this article or other ordinances that do not pertain to the content of the message displayed.”***

Dallas, Texas City Code (Sec. 51 A-7.209)

needed from the city, since the giant building-sized ad was more like a mural than a traditional sign and murals did not need permits. In this case, the court examined the definition of “sign” in Philadelphia’s sign control law, and concluded the city’s definition of sign was broad enough to encompass the giant wall wrap. Municipalities that do not have as broad a definition, or who refer to a sign as a structure, may have trouble with this type of challenge to permitting.

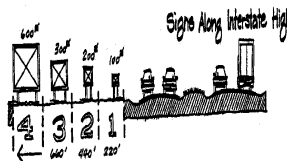
**Type of Sign Allowed:** A sign control ordinance should define the types of signs that are allowed, the types that are prohibited, and note any exceptions. Most ordinances, like state law, distinguish between on-premise signs, and off-premise signs. However, beyond that difference in type of sign, the ordinance must not regulate sign content. Courts have consistently ruled that content on signs is a form of speech that is protected under the First Amendment. The courts however, do distinguish between commercial speech and non-commercial speech on signs, and allow stricter controls on commercial speech than on non-commercial speech. Therefore, any sign ordinance which regulates off-premise signs such as billboards, must be carefully written to ensure that it does not have the unintended effect of restricting non-commercial messages on signs. If it does, the ordinance can be overturned on first amendment grounds.

Ordinances that ban or severely restrict off-premise commercial signs without a provision for signs with non-commercial messages are frequently found by the courts to be unconstitutional. In addition, sign ordinances that require municipal review and/or approval of content have also been found to be unconstitutional. The only content controls that are typically accepted by courts are those that control either obscene content, or messages that may threaten, intimidate or incite violence.

Some municipalities and even some courts have had difficulty in distinguishing between sign type restrictions and sign content restrictions. This is one reason why the American Planning Association’s (APA) model sign ordinance does not distinguish between the common sign types such as “on-premise” signs versus “off-premise” signs. Instead, the APA model ordinance recommends regulating all signs based on zoning, sign size, location, height, duration of placement, number of signs per property, or spacing requirements of signs along roadways, rather than regulate by sign type itself. That approach is one way to avoid the issue of government regulation of speech and content.

Or, in a slightly different approach, a municipality can specify in its ordinance that any sign permitted for commercial messages can, by right, display noncommercial messages. That is how Dallas, Texas, wrote its new sign ordinance that prohibits all new billboard and off-premise sign construction.

For non-commercial signs, an ordinance should simply outline the size, placement and number of signs can be placed on a property. For most small, non-commercial signs, many municipalities do not require permits, but may require the signs to be removed after an event such as an election, to reduce litter and visual clutter along the roadway.



***“For the purpose of regulation of signs visible from any interstate highway, there are hereby created four (4) zones.....”***

**Section 7.4.405(q) City of Colorado Springs Zoning Code**

**The Federal Highway Beautification Act prohibits amortization of billboards along interstate and federal-aid highways, even if local regulations provide for the amortization of nonconforming uses.**

**Clear control standards:** Sign control ordinances frequently specify sign standards, i.e, the allowed size, spacing, and or location of a sign, along with standards on a sign’s angle of projection, construction materials, lighting, etc. In addition, the control standards should address whether signs are prohibited or otherwise restricted in specific areas such as designated scenic areas or community gateways.

Several planning organizations advise using tables or simple drawings in the ordinance or in an official guideline booklet to explain the sign standards in an easy-to-understand format. The old phrase, “a picture is worth a thousand words,” is very true in sign regulations. An example of incorporating drawings in a sign ordinance can be found in the City of Colorado Springs’ ordinance.<sup>28</sup> The goal is to eliminate confusion by showing examples of permitted sign types.

**Provision for nonconforming signs:** A nonconforming sign is a sign that was once legal under a municipality’s older sign control regulation but which does not comply with current regulations. This often happens when regulations are changed after a sign was built. Obviously, a municipality can require new signs to meet the new regulations. But the municipality cannot order the older signs to be immediately removed or changed. That would be considered a “taking” of private property. In most municipalities, there are provisions in the ordinances that provide the framework for nonconforming uses to come into compliance with new regulations. In most cases, the ordinance will prohibit a nonconforming sign from being moved or modified unless the change brings the sign into compliance with the newer regulations. Some ordinances allow the nonconforming use to continue for a set amount of time before it is removed in a process called “amortization”. If language on how to deal with nonconforming signs is lacking, it needs to be added so that it is clear what can or cannot be done with these older signs.

**Other important issues in a sign control ordinance:** There are a host of other issues that need to be addressed in a sign control regulation. Issues of maintenance of signs, what happens to an abandoned sign, who is in charge of enforcement of the regulations, the need for severability, and other administration issue need to be clearly addressed. Other local issues such as whether off-premise

<sup>28</sup> The Colorado Springs sign control regulations are accessible on-line at [www.springsgov.com](http://www.springsgov.com). Look for the link to “City Code and Charter” and you will find their sign regulations under City Code, Chapter 7, Article 4 – Site Development Standards

outdoor advertising permits should be done as a conditional use, or whether land development plans or structure inspections need to be submitted as part of a sign structure proposal also need to be spelled out in the regulations.

Any ordinance, but especially sign control ordinances, needs thorough review by legal counsel to ensure that constitutional issues have been addressed and that the ordinance is well grounded in both land-use law and the Pennsylvania Municipal Planning Code.



**Lack of enforcement can make a community's roadscape ugly and cluttered, despite strong sign control ordinances.**



**Illegal signs, trash and weeds – does this entrance to Historic Bartram's Garden in Philadelphia attract or repel prospective tourists?**

## Section 6 – Enforcing and Defending Local Sign Control Ordinances

Most people assume that once their municipality has a good sign control ordinance developed and adopted, all of the hard work has been done. Unfortunately, that isn't true. Even the best ordinance or regulation is of little value if it is not properly enforced and defended when challenged. Signs violations tend to proliferate rapidly if there is lackluster or haphazard enforcement. In addition, local sign controls or restrictions are often challenged by the outdoor advertising industry in regions that are experiencing strong growth. Groups and municipalities who have spent considerable effort in crafting a good ordinance must insist on good enforcement and must be prepared to properly defend that ordinance if or when it is challenged.

**Enforcement of an ordinance:** An excellent sign control ordinance is of little use if there is not consistent enforcement. Inadvertent violations of the ordinance will naturally occur, but other, more purposeful violations can begin to proliferate if it appears that no one is "minding the shop." Municipal code enforcement officers, often faced with limited resources, must sometimes prioritize which ordinance violations they will pursue. If the public and the municipal managers or supervisors are clear about their desire to have strong sign control enforcement, problems with both large signs and billboards along with the smaller "nuisance" signs will be dealt with before the problems can grow and impact the community's visual environment.

An example of what can happen when sign control enforcement is weak is that of Philadelphia. A strong sign control law was passed in 1990, capping the number of billboards that could be constructed in the city. From the beginning, a lack of resources for enforcement along with shifting priorities in code enforcement and in the political realm prevented the city from aggressively pursuing action against the illegal billboards and signs that existed in a number of city neighborhoods. Over time, the illegal billboards and sign violations proliferated, despite a strong sign control law. Now, the results of the lack of resources for enforcement over the last decade are readily apparent. Illegal billboards and nuisance signs exist along numerous roadways and continue to create visual blight in a number of neighborhoods despite the city's strong sign control law.

## Defending your visual environment

- **Be vigilant** – stay up-to-date on the issue by reading and paying attention to local newspaper, radio or TV articles on the issue.
- **Know your local regulations**- especially how they relate to your community's public health, safety and welfare.
- **Keep in touch** – stay in touch with local elected officials and appointed officials, and with local or national groups who do research and planning in the areas of sign control and community appearance.
- **Develop good relations and communications** - with your elected local and state legislators, community groups, and with your local business leaders.
- **Know your local media** – plan how to get your message out quickly when a problem arises in the community.

Simple and clear ordinances are easier to enforce. Sometimes, sign companies will offer to agree to special conditions such as landscaping to make the sign more agreeable to the public and win approval. But added conditions can become an enforcement headache, especially if different signs have different conditions. If special conditions are added, they should be made part of a site plan, so that code enforcement officers and the public at large can clearly understand what is being built.

**Understanding the permit process:** Individuals or companies interested in building new billboards are always looking for new sites and marketing territories along roadways that have increasing levels of traffic. To construct a new sign the company needs two things – a lease agreement with a local property owner and a local permit. Once the sign company has an agreement with a property owner to lease a portion of the site for a sign, the company will generally make an agreement to pay permitting and legal fees as the landowner applies for the local and state permits needed to place a sign on his or her property.

If the proposed sign meets all the conditions of the local sign control law, the municipal official who reviews the permit applications will issue a permit, and the sign can be built. If the proposed sign violates the local ordinance, i.e. it is too large, or in a prohibited area, the official who reviews the permit application will deny the permit. Most sign companies are well aware of the local ordinances and will expect a permit denial for certain signs. They need the permit denial to move to the next stage – either claiming a hardship and asking for a variance from the ordinance, or challenging the ordinance directly as a violation of their legal rights.

**Claiming hardship to obtain a variance:** In land use regulations, a “hardship” occurs when the local regulations or zoning code have the unintended consequence of rendering a property essentially valueless to its owner. Courts have ruled that if a regulation or ordinance has the effect of rendering a property valueless, it has the same effect as physically taking the property from the owner.

The U.S. Constitution guarantees that a government cannot take private property without paying compensation for the property.

This regulatory taking can happen with new ordinances or zoning changes, where the size, shape or other unique feature of a property makes it essentially useless under the new regulations. For that reason, all municipalities have a mechanism for allowing some fine tuning of the local ordinance or zoning code in cases where the ordinance has had too severe an effect on the property owner. This fine-tuning comes about in the granting of a **variance**, which is official permission to obtain a permit to do something that the ordinance would normally prohibit. This variance is an acknowledgement that

***“The standard for obtaining a variance are well known ... Evidence that the present or zoned use is less financially rewarding than the proposed use may not justify the granting of the variance unless the property as zoned will be rendered valueless.”***

**SCRUB v. Zoning Board of Adjustment of the City of Philadelphia, 814 A.2d 847 (Pa. Cmwlth 2003 )**

the municipal code has created an unusual hardship on the property. The Pennsylvania Municipalities Planning Code (MPC) Section 910.2 (a) states, “The (zoning) board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant.”<sup>29</sup>

The courts have heard numerous cases on hardship claims and are very specific about what constitutes a hardship<sup>30</sup>. If the property is in use as a business or home, or has the potential to be used as such, a sign regulation does not create a hardship if it merely prevents a landowner from making more money on the property than he or she is making currently. The landowner has to show why his or her property is so unique that the regulation has the effect of preventing any reasonable use on that property. The Pennsylvania MPC Section 910.2(a) specifically lists the criteria that must be met before a hearing board can grant a variance.

Once the property owner has been granted a variance from the sign control local ordinance, he or she has the right to obtain a permit and build the sign. This is often when local citizens become upset and begin to protest the issuance of the permit. It is important for people to understand that they need to make their concerns known before the variance is issued. There are few legal remedies for preventing a sign or billboard from being built if the property owner has obtained a variance and a permit, particularly if no one contested the variance request during the zoning hearing.

Every municipality has a procedure for letting the general public know that there has been either a variance request or a request for the zoning or governing board to hear a challenge to the permit decision or ordinance. This notice is often in the form of a sign posted on the property in question, frequently in bright orange or other conspicuous color, notifying passerbys that there has been a hearing request for development on the property. In almost all municipalities, notices of a zoning or land development hearing are published in the local newspaper. All such hearings are open to the public, and anyone wishing to contest the proposed sign may ask to speak at the hearing. Most local municipal staffers are happy to provide information to anyone prior to the hearing on how the local zoning hearings are run, in order to help citizens understand how they can properly participate in the process.

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<sup>29</sup> The Pennsylvania Municipalities Planning Code can be downloaded from <http://www.inventpa.com> though their online publications listed in the Communities in PA section, Governor's Center for Local Government Services

<sup>30</sup> Some recent Pennsylvania Commonwealth Court rulings on the issue of hardship in regards to billboards includes Society Created to Reduce Urban Blight (SCRUB) v. Zoning Board of Adjustment, 713 A.2d 135 (Pa Cmwlth 1998), Society Created to Reduce Urban Blight (SCRUB) v. Zoning Board of Adjustment, 772 A.2d 1040 (Pa Cmwlth 2001), and Society Created to Reduce Urban Blight (SCRUB) v. Zoning Board of Adjustment, 804 A.2d 116 (Pa Cmwlth 2002).

***“if the municipality is to sustain the validity of the ban, it must present evidence to establish the public purpose served by the regulation ..the Borough has failed to bring forward sufficient and valid reasons for the [billboard] prohibition and has failed to show that the ordinance bears a relationship to the public health, safety, morals, and general welfare”***

PA Commonwealth Court, ruling against the borough’s off-premise billboard ban  
Borough of Dickenson City v. Patrick Outdoor Media 90 Pa. Commw. 628, 496 A.2d 427

***“ The common pleas court agreed, as we do, that reasonable restrictions on sign area are warranted, and the Board applied sensible restraints on the proportions of the JBS proposed billboards”***

J.B. Steven, Inc., v. The Board of Commissioners of Wilkins Township

**Challenging an ordinance as exclusionary zoning:** The exclusionary argument claims that an ordinance is so restrictive it excludes a legitimate use in a community without a strong and compelling reason. An example would be if a community wrote an ordinance to prohibit gas stations simply because people in the community found them to be unpleasant and ugly. That ordinance would be exclusionary because gas stations are acknowledged to be a legitimate land use, and the ordinance cannot exclude a legitimate use without showing a strong need to do so in order to protect the public health, safety, or welfare.

Pennsylvania’s exclusionary zoning ruling came about as a result of legal challenges to ordinances written to exclude land uses such as gas stations or even low-income housing from certain communities. The Pennsylvania MPC under its ordinance provisions (Section 603(b) does allow a zoning ordinance to “permit, prohibit, regulate, restrict and determine” the size and placement of structures. But the state courts have ruled that that communities cannot zone to exclude or prohibit legitimate land uses without strong and compelling reasons for the prohibition.

If a municipality plans to have a sign control ordinance that prohibits off-premise outdoor commercial advertising, it is considered to be a *de jure* exclusionary ordinance. In these cases, the courts in Pennsylvania are very clear about the standard the municipality must meet for an exclusionary ordinance to be constitutional. In a recent court case in Upper Southampton Township where off-premise advertising signs were banned, the Commonwealth Court stated, *“When a challenger has satisfied its burden of proving that an ordinance is de jure exclusionary, the burden then shifts to the municipality to establish that the exclusion is for the public’s health, safety, morals, and general welfare...The constitutionality of a zoning ordinance that totally excludes a legitimate use must be highly scrutinized and, thus, such ordinances must bear a **more substantial relationship to a stated public purpose** than a regulation that merely confines a use to a certain zoning district.”<sup>31</sup>* In this case, although evidence was provided showing billboards in some locations could be a safety hazard, the Court found the appellants *“presented no other evidence to support the notion that the exclusion was necessary for the public’s health, welfare, safety and morals.”* The Court found that the ordinance was invalid since without that evidence, billboards could not be legitimately excluded from the municipality.

Many municipalities allow off-premise outdoor advertising, but restrict it to a small size. This prevents a *de jure* exclusionary challenge to the local sign control ordinance. These municipalities have decided that restricting off-premise outdoor advertising to a small size allows outdoor advertising that is compatible with the local roadscape.

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<sup>31</sup> Ken Baker v. Upper Southampton Township Zoning Hearing Board, 830 A. 2d 600 (Pa. Cmwlth 2003)

***"It is not speculative to recognize that billboards by their very nature, wherever located and however constructed, can be perceived as an "esthetic harm."***

- Justice White in Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 101 S.Ct. 2882 (1981)

### **Billboard Court Cases:**

- When a sign company has identified potentially locations for sign placement, it will research the local municipal ordinances to determine what types of signs are permitted.

- As part of that research, the company may make note of those municipalities with ordinances that seem incomplete, invalid or vulnerable to a challenge.

- To address an ordinance challenge, it is important to understand how other states and municipalities have handled similar challenges.

- A good website for researching billboard court cases and decisions is Randal R. Morrison's website: [www.signlaw.com](http://www.signlaw.com).

Occasionally, these size restrictions are challenged as a *de facto* exclusion of outdoor advertising. The argument is that if the municipality does not allow for the larger sized billboards that are commonly used by major advertisers, it has the effect of excluding outdoor advertising. Courts have consistently ruled in favor of municipalities with restrictive size regulations, but it is important that the municipality explain why the size restriction is needed, what purpose it serves, and also show evidence that the sizes allowed by the ordinance are used by advertisers nationally. An internet search can easily provide evidence about the various sizes of outdoor advertising that are used by major advertisers nationwide.

Communities need to be aware that *de jure* or *de facto* exclusionary challenges are occurring more and more commonly for sign control ordinances. If a community wants to continue to control outdoor advertising as it has in the past, or if it wants to strengthen controls, it needs to be prepared to address these issues. To do that, the municipality needs to document the reasons for the controls and show that the restrictions are no more than what is necessary to meet the purposes of protecting public health, safety and welfare.

**Challenging an ordinance on First Amendment rights:** Billboard bans or strict sign regulations can sometimes trigger a First Amendment challenge – infringement on the right to free speech. The most-often quoted case on this issue is Metromedia, Inc. v. San Diego. In this, the court found that San Diego's ordinance banning off-premise billboards had the effect of prohibiting all non-commercial sign messages. The court struck down the ordinance, since governments cannot limit free speech by prohibiting non-commercial messages on signs. Most, but not all, municipalities moved quickly to correct their ordinances in the wake of this court case, adding provisions to allow for off-premise signs with non-commercial messages. Most of these regulations controlled for sign proliferation by restricting the size of the signs and prohibiting them from being placed in the road right of ways. But some municipalities did not change their ordinances to reflect the court decision, or put in detailed permitting restrictions on non-commercial signs which leave the municipality vulnerable to the challenge that they are censoring free speech.

**Other Challenges:** Other arguments are sometimes advanced in challenging a sign control ordinance. Some attorneys specialize in challenging local sign control ordinances. One attorney described his work in an article entitled "Tricks of a Billboard Advocate".<sup>32</sup> Although no ordinance is immune to challenges, an robust sign control ordinance will be content neutral, fair to property owners, and well-grounded in both previous case law and in a public policy on economic, esthetic, health and safety reasons that have been outlined in local or countywide planning documents.

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<sup>32</sup> "Tricks of a Billboard Advocate" July 28, 2003, The Atlanta Journal-Constitution

## Helping defend a sign control ordinance:

- **Understand the system** – you have to participate in order to make a difference
- **Understand the local ordinance and how the community developed it** - consult with your municipality about what will be done and what needs to be done to defend your local ordinances
- **Know where to go for help** – get legal advice. Legal expertise is expensive, but you may be able to obtain some legal advice pro-bono if you plan ahead
- **Know what the potential challenges are** – anticipate the arguments that will be made to challenge the ordinance and have the information available showing why the ordinance is needed in your community

## A citizen's role in defending a local ordinance:

If a sign company decides the proposed location is financially viable, and that the municipality's ordinances will either allow the sign or are potentially invalid and subject to challenge, a billboard permit application may be presented to the municipality. If the permit is denied, the company can then challenge the denial. A hearing is scheduled to allow the applicant to appeal the permit denial to the local zoning board or board of supervisors, and to explain to the board why the applicant believes the permit denial was wrong.

For most people, the first notice that there is a billboard or sign proposal will occur when they see the notice of a zoning or public hearing on the permit application. At the hearing, the property owner, or most likely his or her attorney, can present evidence as to why the proposed sign is harmless, and why the permit or variance should be granted to allow the sign to go up. If no one in the community shows up prepared to refute that evidence, or present evidence that the sign is harmful, there is a chance that the board will decide in the applicant's favor, and the sign will go up.

In theory, a municipality whose sign ordinance is challenged should provide the zoning board or other governing body with the expert witnesses, land planners, traffic safety engineers, or others who will clearly explain why the ordinance is legal and valid and why the sign permit denial was appropriate. These experts will provide the facts explaining the purpose of the ordinance, and why the ordinance is an integral part of providing for the public good.

In fact, however, while some municipalities may have these types of experts and resources available, many do not, and may not make any effort to find anyone to testify on behalf of the municipality's own ordinance. Some municipalities will be more aggressive than others in defending their ordinances, but often, the amount of effort a municipality puts into defending the ordinance depends directly on how many people seem concerned about the issue. It is important that concerned citizens, citizen groups or business groups contact municipal and elected officials prior to the hearing to express their concern.

In addition, it is critical for concerned citizens or groups to attend the hearing. Unless people attend the hearing and speak up, their concerns will go unrecorded and will not be made part of the public record. Later, if the issue goes before a court judge on appeal, that judge will be looking at the public record to understand the facts and issues in the case.

Before a group goes to the hearing, it needs to prepare and research some background information. If the group is not familiar with the local sign ordinance, it should obtain a copy of the local ordinance and the zoning proposal, and discuss them with a local code enforcement officer to understand how the ordinance works.

## **Spreading the Word:**

- **read the public notices in your community**
- **know who to contact in your community to obtain more information or to spread the word**
- **be sure to talk to the neighbors or businesses next to a proposed project**
- **talk to local reporters about getting information out on the issue. Remember that some outdoor advertising companies own television and radio stations. Although in a perfect world that shouldn't influence press coverage of the issue, in the real world it may.**

In addition to talking with municipal officials, it is important for citizen groups to consult with an attorney who has experience in land use regulations and sign regulations. The attorney should be able to advise the group as to what information needs to be brought out in the hearing. In any hearing, it is critical to get good information on the record concerning the public good that the ordinance serves. Since the facts and concerns on the hearing record will provide the information that is used by the courts in case of an appeal of the hearing decision, "getting the record straight" at the beginning of the process cannot be overemphasized. For people or citizen groups that may have trouble affording an attorney, the local Bar Association may be able to provide names of attorneys who will provide pro-bono service to the group as a public service.

If a community survey of the roadscape has not been done, the group should put together as much information on outdoor advertising in the community as it can. Important information includes how many billboards or other off-premise outdoor advertisements currently exist in the community, what their sizes are, and how those sizes compares to other business and public service signs in the community and the nearby region. The local code enforcement officer or local planning commission may be able to provide some of this information.

While the group is gathering all of the necessary background information, it also needs to contact and organize key community leaders and individuals experienced with the specific issue, i.e. politicians, lawyers, architects, engineers, etc., who are willing to come and testify on behalf of defending the ordinance. It is important to determine what adjacent property owners feel about the proposed sign. Some may be for the proposed sign, some may be against, and others may be indifferent. At this point, the group should be forming a strategy on what to say and present at the hearing. Local media should also be contacted, so that information about the issue reaches other citizens who may be unaware of the sign proposal.

Attendance at the hearing is critical. If individuals or groups do not show up to the hearing, or if they do not ask to be on record as part of the proceedings, they will have no recourse later on to join the proceedings on any appeal. Once again, since many of these cases go on to appeals court after the local zoning hearing, and the court will only look at the information that is on record from the hearing, it is extremely useful to have an attorney for the group present and working to get all of the important information on the record.

In some cases, a community group may be able to participate as an aggrieved party. It must identify itself and the individuals it represents to the board and present the reasons for the group's presence before the board. The group will need to present pertinent evidence demonstrating why or how the group and its members

## **Expert Witnesses and Testimony at Hearings:**

- Whether a municipality will have any expert witnesses present at a zoning or land use hearing will depend on how concerned they are about defending the local sign ordinance. And that is often dependent on how much public interest has been expressed about the issue.

- Citizen concerns about a variance must be expressed clearly and strongly to local elected officials as early as possible prior to the hearing.

- All concerns and supporting information must be put on the record at the public meetings. If any court challenges to the zoning or land use decision are made, the challenges and legal decisions will be based on the information that was made part of the public record.

## **Win or Lose, Stay Involved:**

**As one billboard control advocate stated in regards to battles over community appearance and visual blight:**  
***“Keep eternal vigilance even after you win the battle. NEVER REST ON YOUR LAURELS!”***

qualify as “aggrieved”. This includes describing how the project affects the community and community members. Any community petition or list of community members who are in disagreement with the proposed variance should be submitted during the hearing. It would be advisable for any group to discuss issues relating to the hearing, such as what constitutes an aggrieved party, with a lawyer prior to the hearing.

If community members are present and want to speak out about the sign, it is important for them to understand that they need to be specific. It doesn't help to simply express opinions on what they like or don't like. They should try instead to explain why the sign would affect them and why the ordinance is important to them. Why does the proposed sign concern them? Is it on a road they travel frequently? How do their concerns relate to the sign ordinances' specific purposes? Speakers should try to make the points that are relevant to them and their perceptions and vision of their community, while staying concise and to the point.

During the hearing, each side typically presents expert witnesses who will submit evidence arguing for or against the proposed sign. It is almost certain that the project proponents will have expert witnesses to give testimony and answer questions. Municipalities or civic groups can have expert witnesses in planning, traffic studies or esthetic issues testify to get information on the record as to why a sign should or should not be allowed. If that information is not put on the record at this stage, any appeals of a decision will be weakened. During the hearing, lawyers for the municipality and the landowner will have a chance to question those expert witnesses before the board. After the evidence and testimony have concluded, the board will normally close the hearing and retire to consider the evidence.

After the hearing, the board will issue a decision. From here, any aggrieved party that disagrees with the board can appeal the decision to the courts. At this point, any municipality or community group must consider the costs involved in appealing a decision. Some municipalities, when they lose a decision, give up because they do not want to incur any additional costs in defending the ordinance. Sometimes the sign company may offer a compromise, offering to put up fewer signs or smaller signs if the municipality will agree not to appeal. Similarly, if the board rules in favor of preserving the ordinance, the sign company is likely to appeal or offer to compromise instead of appealing. If the municipality seems to want to settle, other aggrieved parties in the community have to decide if they are going to continue an appeal on their own.

Once a case moves to the appeal stage, any citizen or citizen group that wishes to stay involved and pursue the case should retain an attorney if it has not already done so. Once the local zoning or hearing board has made a decision, the clock starts ticking on court deadlines. Filing appeals, and other legal paperwork must all be done by set deadlines, otherwise a group may lose its right to appeal.

## Part III

# Our Future Roadscape

- **Addressing problems of illegal and nonconforming outdoor advertising**
- **Moving toward a Scenic Pennsylvania**

As quality-of-life issues, traffic, and the esthetics of a community become more important in community growth and development, imagining the future roadscape of Pennsylvania should be a critical part of everyone's community planning. Given the number of hours most people spend traveling on our roadways during a typical day, shouldn't that roadside environment reflect the best of Pennsylvania rather than the worst? When the visual environment of our communities can have a significant impact on both tourism and business development, shouldn't our roadside environment support that development rather than impede it?

## Section 7: Addressing problems of illegal and nonconforming outdoor advertising

Like litter and graffiti, nuisance signs proliferate if quick action is not taken against them. Ways to deal with "street spam" include:

- quick removal
- taking joint action with other municipalities
- finding and filing complaints to the responsible party

- Nuisance signs or "street spam"
- Illegal billboards
- Removal issues for nonconforming signs
- Compensation and amortization
- Relocation
- Downsizing
- Voluntary removal

Although many municipalities have good sign control ordinances, many struggle with the ongoing issues of illegal signs, and the removal or relocation of nonconforming signs from priority areas of their roadways. There are several techniques that municipalities can use to deal with these issues.

**Nuisance Signs and Street Spam :** State and local regulations prohibit nailing signs to utility poles, attaching signs to traffic devices, or placing signs in the road right-of-ways. But despite laws prohibiting these types of signs, they proliferate simply because they are easy to put up and a nuisance to remove and enforce. A single person with a truck can put up a hundred signs during the night or on the weekend when municipal highway and road crews are not around. There are several tactics to try to reduce or stop the proliferation of these nuisance signs.

- **Quick removal:** A primary way to keep these signs off roadways in a municipality is by treating them like graffiti and removing them quickly. Like graffiti, if the sign posters try three or four times to put signs up and the signs are immediately taken down, they will quit putting them up there. Persistence is the key. In some townships,

**Fighting street spam or nuisance signs:**

**Street spam should be addressed like graffiti. Some advertisers are using them as a promotional tool – irregardless of the legal issues. Those advertisers should be held accountable. Tolerance of nuisance signs guarantees their proliferation.**

**Two internet sites that have tips on tracking down responsible parties are:**

**Citizens Against Ugly Street Spam  
[www.causs.org](http://www.causs.org)**

**American Association of Code Enforcement Officers  
[www.aace1.com](http://www.aace1.com)**

nuisance signs are removed by police during nights when traffic is slow. In others, the local police recruit volunteers to remove nuisance signs on the weekends along local roads. Volunteers receive a short safety training course, and authorization to signs from street poles and road right-of-ways. Having volunteers organized as part of a municipal wide cleanup is important to ensure volunteers understand the local law and can distinguish which signs are illegal. Whichever tactic is used, regular removal of signs and educating the public about not posting these types of signs is important.

**- Systematic regular removal:** In another strategy, Saint Petersburg, Florida, gave responsibility for removal of graffiti and nuisance street signs to the Sanitation Department. Since the sanitation crews covered all roads in the city on a weekly schedule, the crews could remove the signs efficiently in a systematic fashion. In addition, the city promoted a phone number for citizens to call to report both nuisance signs and graffiti, allowing a quick response from the sanitation crews and graffiti team when illegal signs or graffiti appeared.

**- Taking action with other municipalities or groups:** Discussions with other municipalities and code enforcement officers can lead to sharing of information on who may be placing the signs in neighboring communities. In Arizona, the nuisance sign issue became so annoying, local municipalities put together an illegal sign task force to find and prosecute sign posters. In Philadelphia, a similar illegal sign task force composed of municipal staff, the local utility company and local community groups has been formed to address the issue as part of the Community Life Improvement Program (CLIP) pilot project. The real estate departments of PENNDOT's District Office often have information about the nuisance signs removed from state highway right-of-ways, and may be a useful source of information for local municipalities.

**- Finding and filing complaints with the responsible party:** For a period of time, one major source of nuisance signs was individual distributors for Herbalife International. These "Lose Weight Now" signs were ubiquitous in some areas. Under pressure from the American Association of Code Enforcement (AACE), Herbalife International enacted a stricter sign penalty for distributors found to be violating local sign ordinances. The internet discussion board of the American Association of Code Enforcement Officers can be useful in tracking down the responsible parties from their phone numbers or website address. In some cases, a filing of a complaint to the responsible party by the municipality or code enforcement officer will result in a slowdown or stoppage of the postings. In other cases, the sign poster will not stop until he or she has been brought into court and fined.

**Illegal Sign Removal:** Illegal signs are billboards or other outdoor advertisements that have been placed on public or private property without proper permits. The placement of illegal billboards and signs without local or state permits generally occur in areas where enforcement is lax, or in lower-income areas where a crew placing a sign may not be challenged or questioned by local residents. Many larger cities nationwide, including Philadelphia, have persistent problems with illegal sign placement. Making illegal sign removal a part of regular quality-of-life enforcement is important. Like nuisance signs, if illegal signs are removed expeditiously there is no incentive for the sign company to continue to try and place the signs. A proactive stance can prevent sign proliferation, and the accompanying clutter and visual blight.

**Nonconforming Signs:**  
Signs that were legal prior to the passage of the sign control ordinance, but do not meet the requirements of the newer law

**Nonconforming Sign Removal:** While most outdoor advertising control laws are effective in preventing signs from going up in restricted areas, few are effective in removing existing signs. The persistence of these nonconforming signs has always been a problem. Their presence undermines the intent of the current law and leads to the impression that they are acceptable in areas where they are supposed to be prohibited.

Nonconforming billboards cannot be removed from a property just because the sign law changed. The municipality can only remove nonconforming signs by specific means which ensure the property owner is not improperly deprived of his or her property. The sign can be **grandfathered**, allowing the sign to continue to exist so long as it is not changed. A municipality can require immediate removal, but must pay the property owner and sign company **compensation** for the loss of their property. In some circumstances, a municipality can require that the signs be removed after a set period of time, through a process called **amortization**. A municipality may also specify that any changes in land use and development requires that all nonconforming land uses or structures be brought into conformance as part of the larger land development.

**Removal of nonconforming signs under the HBA**

The Highway Beautification Act never addressed how nonconforming signs were to be removed from the Federal Highway system. In the 1960's and early 70's, different states took different actions on nonconforming signs. Some states removed nonconforming signs and paid compensation for them. In some states, the intent of the law was circumvented by "strip zoning" - turning nonconforming signs into conforming signs by rezoning rural strips along the highway into "commercially zoned" areas specifically to allow the signs to remain. Other states passed amortization laws, requiring the non-conforming signs to be removed after a period of time. In 1978, the HBA was amended to prohibit both strip zoning for the purpose of sign placement and the use of amortization for sign removal along the interstate and federal-aid highway system.

## Compensation

- **Compensation is a cash payment to a property owner for property, including personal property, that is obtained by the government for public use.**
- **The HBA requires compensation for removal of conforming and nonconforming billboards located along Interstates and Federal-Aid Highways.**
- **The HBA does not require compensation for illegal billboards.**
- **In Pennsylvania, PENNDOT has well-established procedures for appraising the value of billboards and establishing compensation for billboard removal as part of road construction projects.**

The HBA amendment requiring compensation, along with the stipulation that the compensation should be paid in-part with federal funds, hobbled the removal of nonconforming signs by the states since Congress initially refused to provide federal funding for such removal. While some states such as Vermont pushed forward on billboard removal projects in the 1970s, few other states removed nonconforming billboards. Recently, removal of nonconforming signs has been done by some states and communities utilizing federal money under the Transportation Enhancement Act.<sup>33</sup>

## The Amortization Debate

Amortization refers to the process used by a municipality to bring pre-existing land uses or structures into compliance with new regulations over a period of time. This time period is set to allow the property owner to recover his or her costs and investment in the property prior to the discontinuance of the nonconforming use. Courts have generally held that a reasonable amortization provision, which allows a property owner to recover the costs of any now prohibited use, is not a taking of private property. Therefore, if the amortization provides a reasonable time frame of nonconforming use prior to removal, it is not unconstitutional. A number of municipalities in Pennsylvania have amortization provisions in their sign control ordinances to remove nonconforming signs after a set period of time.

Even though courts have ruled that amortization is constitutional, it does not mean its use is without controversy. Many property owners oppose the use of amortization. A number of state legislatures, at the urging of various property or business groups such as the outdoor advertising industry, have passed state laws prohibiting local municipalities from using amortization provisions in their local ordinances. This, in turn, has sparked controversy among local municipalities who feel that without the use of amortization, local planning goals can become unaffordable and essentially unobtainable. Florida's state legislature recently passed a law prohibiting amortization, stopping a number of Florida cities in their efforts to remove billboards and other nonconforming structures as part of community beautification projects. North Carolina is currently debating whether to pass a similar law, much to the consternation of a number of local municipalities and planning commissions.<sup>34</sup>

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<sup>33</sup> Currently, Federal Transportation Enhancement Act funding can be used for the removal of outdoor advertising as part of an approved TEA-21 project. The National Transportation Enhancements Clearinghouse website run by the FHWA and Rails to Trails at <http://www.enhancements.org/> provides a listing of various state's billboard removal and control projects for recent years.

<sup>34</sup> Billboards in Your Community – Who Gets To Decide? A special report from the North Carolina Chapter of the American Planning Association, April 2004. Available online at [www.nc-apa.org](http://www.nc-apa.org)

**Nationwide, amortization periods of between 6 to 10 years have been held to be valid in cases regarding billboards and outdoor advertising**

Although a number of municipalities in Pennsylvania have amortization provisions in their sign control ordinances they are not often used, because almost any use of amortization on nonconforming signs will provoke a court challenge. If a municipality wishes to use amortization to bring nonconforming signs and structures into compliance with current regulations, care must be taken to provide for a reasonable amortization period. The municipality must also realize that a court challenge is to be expected, and plan (or budget) accordingly.

**When compensation or amortization is not needed:**

- **Illegal signs**
- **Nonconforming signs that have been significantly altered or damaged**
- **Abandoned signs**

**Illegal Signs:** Under the Highway Beautification Act and Pennsylvania state law, an illegal sign has no right to exist, and therefore the sign or property owners have no right to compensation. Most local sign control ordinances also clearly state this position.

**Nonconforming Signs:** There are exceptions to the requirement that compensation must be paid for the removal of a nonconforming sign. Most states and municipalities state that if a nonconforming sign has been significantly damaged by natural causes, if a sign has been abandoned, if the nonconforming sign is on a property for which there is no valid lease, or if a nonconforming sign has been altered in its size, placement, or structure, the sign permit becomes invalid and the sign may be removed without compensation. The specific details on the extent of damage, the definition of abandonment, and how much change or repair is allowed on a nonconforming sign is outlined both in the Pennsylvania Outdoor Advertising Control Act and in most municipal ordinances.

**Removal of nonconforming signs by lease arrangements and land development**

Most billboards are placed through leases of the property, rather than actual purchase of the property. For example, the land under a sign on a farm alongside the turnpike is most likely the property of the farmer, who has leased a sliver of land to the sign company for their use and granted them an easement across his property to access the sign. When a property comes up for a sale that will result in requests for zoning or subdivision changes, the issue of what will be done with any nonconforming signs should be addressed.

Some municipal sign control ordinances state that when a property is sold or redeveloped, all nonconforming signs and structures on the property must become conforming. In other cases, if the new property owner chooses not to lease the property for signage, refuses to provide an access easement, or refuses to sell a subdivided section of the land to the sign company, then the company must remove their sign.

In developing strategies for removal of nonconforming signs, care must be taken to look at all the legal ramifications, since actions by municipalities to remove nonconforming signs are frequently challenged in court by the sign companies.

## **Reducing billboard impacts by “downsizing” requirements**

**Ordinances can be drafted that reduce large nonconforming billboards to conforming standards – but they must be carefully drafted to avoid takings issues or compensation requirements under the HBA.**

## **Removing or reducing billboard impacts by voluntary removal**

**Understanding the marketplace issues of sign placement is important in strategizing nonconforming sign removal in a community or travel corridor.**

Several cities, including Denver and Colorado Springs, have used downsizing requirements in their ordinances to reduce the size of nonconforming billboards and make them more compatible to the streetscape. Downsizing requirements allow the property and sign owner to continue use of the sign structure, while bringing the older nonconforming sign into conformance with newer sign size standards.

Challenges have been made to downsizing requirements for billboards along interstates and federal-aid highways, under the claim that the requirement amounts to a taking that requires compensation. In reviewing Denver’s sign ordinances, the FHWA determined that a requirement to reduce the size and height of a billboard would not necessarily be considered a removal that would require compensation to the sign company.<sup>35</sup> The key consideration appeared to be whether the downsize requirement is a reasonable cure that allows continued operation of the billboard in a manner that retains a substantial portion of their value. The FHWA did not define what “substantial portion of their value” meant. For this reason, if a local municipality is planning to implement size or height reductions, they should research how cities such as Denver or Colorado Springs implemented their ordinance, and assess what impact on sign value the proposed ordinance would have.

Voluntary removal can occur, but it is rare. It may occur if the sign is not a strong revenue producer, has generated strong public opposition to its placement, and the sign company gets something of similar value in return. Los Angeles recently considered a proposal for the voluntary removal of some 2000 small 8-sheet billboards on local roads in return for granting a sign company permits for 50 large billboards along the major city freeways. The proposal was under serious consideration until it was pointed out that many of the 8 sheet billboards were illegal and that the 50 larger billboards would significantly change the views and vistas of some of the major gateway corridors into Los Angeles. Those issues resulted in the proposal being voted down by the city council. This episode however, illustrates the sign company’s interest – signs along heavily traveled corridors are of significantly greater value than those along other roadways

In Philadelphia, SCRUB (Society Created to Reduce Urban Blight) a local billboard control advocacy group, negotiated the voluntary removal of 6 nonconforming billboards from a city gateway area with a sign company that was seeking a permit variance to put two billboards up along the heavily traveled Interstate-95 corridor. Since

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<sup>35</sup> U.S. Department of Transportation Federal Highway Administration Memorandum. May 12, 1987 Subject: Colorado – Outdoor Advertising Control Denver Sign Ordinance and 23 U.S.C § 131(g)

**"The states that do the most to protect their natural resources also wind up with the strongest economies and the best jobs."**

The Institute for Southern Studies

there was strong neighborhood interest in removing the nonconforming billboards in the community gateway, and little neighborhood concern about the proposed new billboard locations, the "swap" of 6 older billboards for two new ones in another location made sense. The removal of the nonconforming signs was possible in part because SCRUB had been following the case before the zoning board, was knowledgeable about the issue, and had already developed a list of priority nonconforming billboards for removal. Planning and preparation is vital to being able to take advantage of opportunities for billboard removal when they occur.

## **Section 8: Moving toward a Scenic Pennsylvania**

- **Designation and Protection of Scenic Byways**
- **Inclusion of visual blight concerns in roadway development and comprehensive planning**
- **Responsible Corporate Outdoor Advertising**

### **Scenic Byways**

**"The National Scenic Byways Program is ... a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States ... The U.S. Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational and scenic qualities."**

From the Department of Transportation website [www.byways.org](http://www.byways.org)

As a state, Pennsylvania is rich in natural beauty and cultural heritage. From rolling farmland, to historic battlefields, to acclaimed architecture, Pennsylvania has much to offer. Preserving these resources by protecting the scenic environment is important to ensure that the state will remain beautiful while Pennsylvania grows.

Recognizing that Pennsylvania's economic vitality is directly linked to preservation of the state's visual environment, maintaining a Scenic Pennsylvania should be of great concern for citizens, community organizations, business leaders and elected officials. Simple, direct steps can be taken to protect and preserve our esthetic and scenic heritage in the future.

### **Designating a Scenic Highway:**

The Federal Scenic Byways program helps identify, designate, and promote tourism on roadways that have significant tourism values, such as scenic beauty, historic significance, or archeological importance. These roads often become tourist destinations in themselves, with people traveling to them to enjoy the scenic or historic aspects of the roadway and surrounding countryside. Grants for the development and enhancement of scenic byways are available from the National Scenic Byways program for local planners interested in the designation and protection of scenic byways in their regions.<sup>36</sup>

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<sup>36</sup> The National Scenic Byway funding is part of the federal transportation program. The original program was known as ISTEA, then as TEA21. Congress is debating reauthorization of the program as SAFETEA, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003. More information on the Federal Scenic Byway program can be obtained by the FHWA sponsored website [www.byways.org](http://www.byways.org), or by calling 1-800-4-byways, option 3.

**“The Pennsylvania Byways Program supports local planning efforts to enhance and improve the visual impact of specific routes throughout the Commonwealth.”**

From “Pa Byways” in [www.dot.state.pa.us](http://www.dot.state.pa.us)

**As of 2003, PA scenic byways included:**

- **Kinzua Bridge Scenic Byway in McKean County**
- **Route 144 through Sproul State Forest in Clinton and Centre counties**
- **Interstate 476, the Blue Route**
- **U.S. 30, the Exton Bypass**
- **Laurel Highlands Scenic Drive**
- **U.S. 40, the Historic National Road, in Washington, Fayette and Somerset Counties**
- **Sections of PA Route 120 in Lackawanna County**

One key component of the federal program, however, is the requirement that the erection of new billboards or off-premise outdoor advertising signs be prohibited on scenic byways. Prohibiting new outdoor advertising along a scenic byway applies to commercial and industrial areas as well as agricultural, recreational, or residential areas.

Unlike some states that use a coordinated scenic byways program as a vehicle to develop and promote tourism in the state, Pennsylvania’s approach to scenic byways has been scattered. No comprehensive state scenic byways legislation has been passed by the Pennsylvania legislature. The main sticking point in developing this legislation has always been the issue of allowing or prohibiting new outdoor advertising along the scenic byway.

Given the difficulty of having state legislation written and passed to establish a comprehensive scenic byway program, local planning authorities need to take the initiative to identify, assess and plan for scenic roadways and roadway enhancements along their regional transportation corridors. PENNDOT has established a PA Byways program within the Department of Transportation to help municipalities, citizen groups, and local legislators plan and find funding for development of regional scenic byways. As noted on their website, the program goals are to

”-- maintain the natural resources and intrinsic qualities of the scenic routes.  
-- improve aesthetics along the roadway and protect historic, cultural, and natural resources.  
-- improve access to recreation areas and increase economic activity as more residents and tourists experience the corridor.  
-- educate residents and visitors on the rich history and culture of the routes.”

As part of that effort, they provide a model ordinance to control outdoor advertising along the scenic byway that would have to be adopted in order for that roadway to be eligible for federal Scenic Byway funding. Despite the lack of legislation defining and funding a comprehensive state scenic byways program, PENNDOT has helped communities develop individual bills and regional projects that have resulted in state roadways being designated and protected as Pennsylvania State Scenic Byways.<sup>37</sup> Designation comes about by local action, with the support of local legislators. Two examples, the Blue Route around Philadelphia, and the Exton Bypass in Chester County, illustrate that process.

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<sup>37</sup> Listings of Pennsylvania State Scenic Byways can be found online at [www.dot.state.pa.us](http://www.dot.state.pa.us) and clicking on “special interest areas” or by calling the state scenic byways office at

## **The Blue Route**

### **House Bill 986**

**More than eighteen thousand Delaware and Montgomery County residents signed petitions demanding that the Blue Route be kept free of billboards and other off-premise signs.**

**Designating the Blue Route:** It took 30 years for the Blue Route (I-476) to overcome a myriad of obstacles and be completed. Because the highway was named The Veterans Memorial Highway and designed to be scenic, most people assumed it would be beautifully landscaped with no billboards or off-premise outdoor advertising. However, once the highway was open, sign companies submitted applications to erect billboards along the route. Fortunately, the Garden Club of America brought the applications to the attention of the adjacent municipalities, local garden clubs, and the Pennsylvania Resources Council, triggering a public response.

A petition and letter writing campaign was initiated followed by large public rally to protest the erection of billboards on the Blue Route. Local governments along the route were contacted and asked to review their sign ordinances. Twelve local state legislators were asked to help protect the Blue Route from billboards because it was the Veterans Memorial Highway and had been intended to be, and indeed was designed, as a scenic roadway. Dozens of citizen groups were asked for support and asked to contact their state legislators. Local appointed and elected officials were asked to speak out in favor of keeping billboards off the Blue Route.

Newspapers were contacted by civic groups such as PRC and asked to use their editorial and op-ed pages to “Keep The Blue Route Green” and free from visual pollution. Petitions asking for legislative action prohibiting billboards were signed by thousands of local residents, and delivered to PENNDOT’s Transportation Secretary. In response to this public outcry, **House Bill 986** was amended to designate the Blue Route a State Scenic Byway. The language of the legislation specifically prohibited the placement of billboards along the new Veterans Memorial Highway. The legislation passed both Houses of the Legislature unanimously and was signed into law.

## **The Exton Bypass**

### **House Bill H.B. 2336**

The Exton Bypass is another example of how prior planning, public concern, and a dedicated legislator can protect a new roadway from visual clutter and excess signage. Rep. Elinor Z. Taylor of West Chester is known as the “mother of the Exton Bypass” because of her years of work with PENNDOT, the governor’s office and county leaders to get the roadway completed. Because she wanted to make certain that the people who used the highway could enjoy the countryside bordering it without the countryside being cluttered by billboards and other off-premise commercial signs, she introduced legislation as soon as the highway was completed to designate it a scenic byway.

Her bill was unanimously passed by both houses and became Act 1996-82, which amended Title 74 (Transportation) of the Penn. Consolidated Statutes to provide for the designation of the Exton Bypass as a scenic highway. Her bill (HB 2336) was retroactive to December 22, 1995, when the bypass was officially opened.

## **Guidelines for Responsible Corporate Outdoor Advertising**

**- Never allow your advertisement to be placed on an illegal or un-permitted billboard. Ask for, and confirm all permit numbers and permit documentation.**

**- Include a clause in your advertising contract allowing you to cancel the contract if your advertisement is placed on an illegal or un-permitted sign.**

**- Use advertisement sizes that fit on conforming billboards and help communities in their goal to enhance the roadscape.**

**- Be part of a Scenic Pennsylvania and part of the solution, rather than part of the problem.**

When citizens, communities, property owners and sign companies begin to fight over what types of outdoor advertising are appropriate in the community, or whether illegal or nonconforming signs should be removed or grandfathered into the community, most people forget about the massive “silent player” in the controversy – the advertiser. Yet if the advertiser was not there, the push for outdoor advertising would not exist. Those advertising dollars drive the whole system.

The reputation of a business or the brand image of a company that advertises on billboards can suffer if people develop a negative public opinion about outdoor advertising in their community. Outdoor advertising, in its common form of billboards, can engender mixed reactions from the general public. Some people find billboards useful; some people think they are ugly and blighting, other people have concerns about specific billboards or locations within their communities. Ultimately, companies who use outdoor advertising need to understand the issues and concerns of communities on off-premise commercial advertisements.

In the 1940's Vermont, a state that currently bans billboards, had a local citizen group promote boycotts as a way to put pressure on businesses not to use billboard advertising. The Vermont Association for Billboard Restriction used a public relations campaign, complete with an anti-billboard poster produced and donated by the artist Maxfield Parrish, which stated “Buy Products Not Advertised On Our Roadsides”. This campaign helped set the public opinion against billboard advertising on Vermont roadways, no doubt paving the way to Vermont's eventual billboard ban in the 1970's.

One simple way businesses, corporations and non-profit groups can be sure that their message is not seen as a visual blight problem is to ensure the advertisement is only placed on legal and conforming billboards that meet all local sign control standards. For example, in Philadelphia many low-income neighborhoods have been struggling with a profusion of illegal and un-permitted billboards in their community. To be part of the solution rather than part of the problem, advertisers should require that their advertising agency list the billboard locations where the advertising message will be displayed and list the local permit or license number for each billboard. If needed, a simple call to the municipal code enforcement agency can verify if a sign is indeed legal and conforming. Refusing to place advertisements on illegal billboards is the best way to ensure their removal from a community.

In the longer term companies and non-profits who use outdoor advertising should evaluate their advertising needs and desires in the framework of context-sensitive signs within a community. Choosing to help enhance the appearance of the community one's customers live in, and in that simple way promoting a good quality of life for the community, is simply good business sense.

## What Pennsylvania Has To Offer

*“Going back decades, the state’s metropolitan areas, world-class farm regions, and small towns embody a unique heritage of success. The state’s mountains and rivers maintain their appeal. Its cities and other older communities retain top universities, superb hospitals, major business and technology clusters, and distinctive, human-scaled neighborhoods. And the state’s manufacturing sector, while constantly tested, still contributes mightily. Even more important, Pennsylvania’s towns, cities, and boroughs (both rural and urban) boast a core strength few communities elsewhere can tap: an extraordinarily committed, rooted citizenry.”* This quote, from a recent Brookings Institution Study on renewing Pennsylvania’s economy notes the great strengths and beauty of Pennsylvania.<sup>38</sup> That beauty is under threat, not from a single source, but from the slow but constant nibbling away of our countryside and our communities’ visual beauty and character. As President Lyndon Johnson noted *“it would be a neglectful generation indeed, indifferent alike to the judgment of history and the command of principle, which failed to preserve and extend such heritage for its descendants.”* Those words are as relevant now as they were forty years ago.

Pennsylvania led the way in promoting highway beautification throughout the 1930’s, ‘40’s and 50’s. This movement showed the pride citizens had in the beauty of Pennsylvania’s communities and countryside. That pride still exists in many Pennsylvanians. While signs, billboards and advertisements alone do not make a community or region beautiful or ugly, they can be a significant component of our roadscape. By developing appropriate standards for signage, and thinking of our roadways as “highways to the enjoyment of nature and beauty” we can preserve, protect, and improve the quality of life in our state. All it takes is action by the committed citizenry that already exists in our communities and our regions.

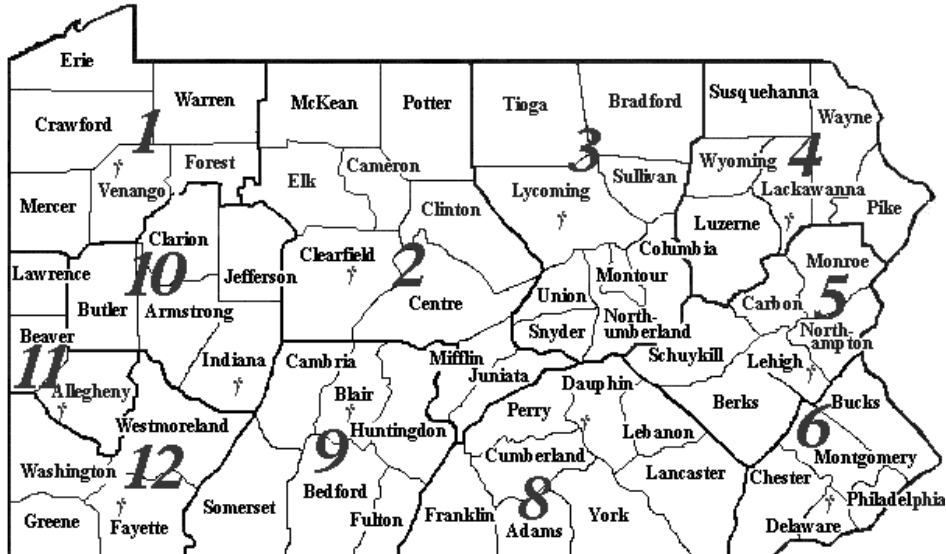
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<sup>38</sup> **Back to Prosperity: A Competitive Agenda for Renewing Pennsylvania** THE BROOKINGS INSTITUTION CENTER ON URBAN AND METROPOLITAN POLICY December 2003

## Appendix A:

The best source of information on billboard control along Pennsylvania's Interstates and FAP Highways is from your local PENNDOT Regional District Office. The outdoor advertising and junkyard control programs are generally the responsibility of the Right of Way Section in the regional office.

Map of Pennsylvania Department of Transportation Regional Engineering Districts:<sup>39</sup>



- |              |   |               |   |
|--------------|---|---------------|---|
| District 1 – | 255 Elm Street<br>Oil City, Pa 16301<br>(814) 678-7085                                | District 6 -  | 7000 Geerdes Boulevard<br>King of Prussia, PA 19405-1525<br>(610) 205-6700    |
| District 2 – | 1924-30 Daisy Street<br>P.O. Box 342<br>Clearfield County, PA 16830<br>(814) 765-0400 | District 8 -  | 2140 Herr Street<br>Harrisburg, PA 17103-1699<br>(717) 787-6653               |
| District 3 – | 715 Jordan Avenue<br>P.O. Box 218<br>Montoursville, PA 17754-0218<br>(877) 723-6830   | District 9 -  | 1620 North Juniata Street<br>Holidaysburg, PA 16648<br>(814) 696-7250         |
| District 4 – | O'Neill Highway<br>Dunmore, PA 18512<br>(570) 963-4061                                | District 10 – | 2550 Oakland Avenue<br>P.O. Box 429, Indiana, PA 15701-0429<br>(724) 357-2800 |
| District 5-  | 1713 Lehigh Street<br>Allentown, PA 18103-4727<br>(610) 798-4100                      | District 11 - | 45 Thorns Run Road<br>Bridgeville, PA 15017<br>(412) 429-5000                 |
|              |   | District 12 - | 825 North Gallatin Avenue<br>Unionville, PA 15401-2105<br>(724) 439-7315      |

<sup>39</sup> PENNDOT District Map was obtained from the state website [www.dot.state.pa.us](http://www.dot.state.pa.us), under Regional Information

## Appendix B: Billboard and Outdoor Advertising Survey Form

**Exact Address of Billboard** (use nearest building address if unclear or use cross streets and compass direction)

---

**Company Name** \_\_\_\_\_

**Billboard tag number** \_\_\_\_\_

**Type of Sign:**

- |  |   |
|--|---|
| <input type="checkbox"/> Poster or flyer                       | <input type="checkbox"/> Large billboard (approx. 48' x 14')    |
| <input type="checkbox"/> Small billboard (approx. 12' x 6')    | <input type="checkbox"/> Mobile advertising (bus, van, trailer) |
| <input type="checkbox"/> Medium billboard (approx. 12' by 25") | <input type="checkbox"/> Other type _____                       |

**Billboard Structure:**

- On wall       free standing – describe structure: \_\_\_\_\_

**Area is mostly:**

- |   |   |
|---|---|
| <input type="checkbox"/> Industrial (factories, plants) | <input type="checkbox"/> Business (stores and shops)    |
| <input type="checkbox"/> Residential                    | <input type="checkbox"/> Mixed residential and business |

**Can any of the following be seen nearby?** (You can check more than one)

- |                                     |   |  |
|-------------------------------------|---|--|
| <input type="checkbox"/> Homes      | <input type="checkbox"/> Schools        | <input type="checkbox"/> Places of worship |
| <input type="checkbox"/> Parks      | <input type="checkbox"/> Playgrounds    | <input type="checkbox"/> Hospitals         |
| <input type="checkbox"/> Cemeteries | <input type="checkbox"/> Historic sites | <input type="checkbox"/> Other:            |

**Does the billboard advertise a business or service located on the same property?**

---

**How many other billboards are visible nearby, and are they larger, smaller, or same size?**

---

**This outdoor advertisement of special concern because:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> badly maintained               | <input type="checkbox"/> too near a school or park,    | <input type="checkbox"/> possible safety hazard |
| <input type="checkbox"/> too close to other signs       | <input type="checkbox"/> blocks scenic / historic view | <input type="checkbox"/> too large              |
| <input type="checkbox"/> obtrusive / blocks other views |  |   |

**Other Concerns or Comments:**

---

**Photographed:** \_\_\_\_\_

**Mapped:** \_\_\_\_\_

## Appendix C:

There are a number of books, websites, and articles that can provide additional information on the issue of outdoor advertising, the visual environment, legal issues in land use regulation and community planning. Some of those resources are included below. (Please note that some website addresses change frequently and may not be accurate at a later date.)

**American Planning Association** has published a number of books on both on-premise and off-premise sign control. These titles are available from the APA bookstore, through their website at [www.planning.org/bookservice](http://www.planning.org/bookservice) or by calling the organization at (312) 786-6344.

**Context-Sensitive Signs** Available as Audio tape or as a PDF document download from the "Knowledge Exchange" section of the APA website [www.planning.org/documents/index.htm](http://www.planning.org/documents/index.htm)

**Street Graphics and the Law** Daniel R. Mandelker, William R. Ewald 1988 revised ed. 207 p.

**Sign Regulation for Small and Midsize Communities (PAS 419)** Gary J. Raso, Eric Damian Kelly,

**Aesthetics and Land-Use Controls (PAS 399)** Christopher J. Duerksen, APA Planning Advisory Service 1986 45p.

**Enforcing Zoning and Land-Use Controls (PAS 409)** Eric Damian Kelly , APA Planning Advisory Service 1988 30p.

**Preparing a Conventional Zoning Ordinance (PAS 460)** Charles A. Lerable APA Planning Advisory Service, 1995 61p.

**A Citizen's Guide to Zoning** Herbert H. Smith APA Planners Press 1983 242 p.

**Building Citizen Involvement** Mary L. Walsh, International City/County Management Association 1997 125p.

**Scenic America** also has several useful publications. These publications can be ordered from their website at [www.scenic.org](http://www.scenic.org), or by calling the organization at (202) 543-6200;

**Fighting Billboard Blight: An Action Guide for Citizens and Public Officials** (1999) Frank Vespe Washington, D.C. Scenic America 90 p.

**America the Beautiful: Promise vs. Performance in Federal Policies and Practices for Scenic Conservation.** (2001) Thomas Pelikan, Esq. Washington D.C.: Scenic America 106 p.

**The Highway Beautification Act: A Broken Law** (1997) B1-HBa Washington, D.C. Scenic America 90 p.

**Useful Websites:** There are a number of organizations who have a significant amount of material on their websites regarding signs, billboards, and control of outdoor advertising. Some good sites to review are:

**Federal Highway Administration at [www.fhwa.dot.gov](http://www.fhwa.dot.gov)**

Under FHWA Programs, in the Planning and Real Estate Services program, there is information on outdoor advertising control, including a history of the Highway Beautification Act.

**National Association of Highway Beautification Agencies at [www.nahba.org](http://www.nahba.org)**

An unincorporated, nonprofit association comprised of individuals interested in the study and development of practices and programs related to highway beautification. They are good resource for information on how the HBA is applied in each state.

**Pennsylvania Department of Transportation at [www.dot.state.pa.us](http://www.dot.state.pa.us)**

Although the PENNDOT website does not provide any information on the state outdoor advertising control program or billboard issues, it does provide information on the state scenic byways program, under Special Interest Areas: PA Byways.

**American Planning Association at [www.planning.org](http://www.planning.org)**

The American Planning Association's website, although a little confusing to navigate, has a wealth of information on community appearance, planning and sign control.

**Scenic America at [www.scenic.org](http://www.scenic.org)**

Scenic America, as Washington D.C. based scenic advocacy group has a useful website with useful links to local state scenic affiliates and partner organizations.

**Citizens for Scenic Florida at [www.scenicflorida.org](http://www.scenicflorida.org)**

A state affiliate of Scenic America, Scenic Florida has a large and extensive website with links to court cases, billboard issues both in Florida and nationwide, and any other scenic issue you could think of.

**Citizens Against Ugly Street Spam at [www.causs.org](http://www.causs.org)**

A web-based informal association of citizens who loath illegal signs, their discussion forum is probably the best resource for taking action against illegal nuisance signs posted on utility poles and in road right-of-ways. Contributors to the forum discuss how to track down responsible parties, and what organizations are responsible for nuisance signs both regionally and nationally.

**Outdoor Advertising Association of America at [www.oaaa.org](http://www.oaaa.org)**

This trade association is a major player in the outdoor advertising industry. As they note in their website "*the OAAA is dedicated to promoting, protecting and advancing outdoor advertising interests in the U.S. With nearly 1,100 member companies, the OAAA represents more than 90% of industry revenues.*". Their website is extensive and provides a great deal of information on the industry and their standards and policies. Useful Outdoor Advertising company websites include:

**Clear Channel** at [www.clearchanneloutdoor.com](http://www.clearchanneloutdoor.com) or [www.clearchannel.com](http://www.clearchannel.com)

**Lamar Outdoor Advertising** at [www.lamaroutdoor.com](http://www.lamaroutdoor.com)

**NextMedia Group** at [www.nextmediagroup.com](http://www.nextmediagroup.com)

**Viacom Outdoor** at [www.infoutdoor.com](http://www.infoutdoor.com) or [www.viacom.com](http://www.viacom.com)

**Steen Outdoor** at [www..steen.com](http://www..steen.com)

**Keystone Outdoor** at [www.keystoneoutdoor.com](http://www.keystoneoutdoor.com)

**Morgan Outdoor Media** at [www.barashgroup.com](http://www.barashgroup.com)

**Local Organizations:** Several Pennsylvania organizations are involved in enhancing and protecting the visual and scenic environment. Some of these include:

**SCRUB:** A Philadelphia based group, the Society Created to Reduce Urban Blight specializes in handling legal challenges to Philadelphia's sign control regulations, and in assisting Philadelphia neighborhoods in enhancing the visual environment of their streetscapes and commercial corridors. Their website is [www.urbanblight.org](http://www.urbanblight.org) or they can be contacted at 215-731-1796

**PRC:** A statewide environmental education organization, Pennsylvania Resources Council has ongoing litter and billboard control programs to help improve Pennsylvania's roadscapes and preserve its scenic beauty. The website is [www.prc.org](http://www.prc.org) or call 610-353-1555.

**Keep the Vision:** A Bucks county organization formed to fight new billboard placements in Upper Southampton Township. Their website is [www.keepthevision.org](http://www.keepthevision.org)

**10,000 Friends of Pennsylvania:** A statewide alliance of organizations concerned about the quality of life in Pennsylvania, they have extensive knowledge on state and municipal law, public policy and its effect on sprawl, blight, and economic wellbeing. Their website is [www.10000friends.org](http://www.10000friends.org) or they can be contacted at (877) 568-2225