

Docket Item #18  
TEXT AMENDMENT #2004-0004

Planning Commission Meeting  
May 4, 2004

**CASE:** TEXT AMENDMENT #2004-0004  
POLITICAL SIGNS

**ISSUE:** Consideration of an amendment to Article IX of the Zoning Ordinance to amend the regulations for political signs.

---

**PLANNING COMMISSION ACTION, MAY 4, 2004:** On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the text amendment and to amend the proposed language for Sec. 9-108(B)(4). The motion carried on a vote of 7 to 0.

Reason: The Commission agreed with staff's revisions except for the requirement that signs be located within 50 feet of the end of the median on a four lane road. The Commission voted to delete this requirement because it was too restrictive.

Speakers:

Allison Cryor, Vice Chair of the Alexandria Republican Committee, spoke in support of the intent of the current regulations. She asked the Commission not to limit signage as an opportunity for political candidates and to limit the proposed 50 foot rule as it is too broadly stated.

Lillian White, League of Women Voters, supports the proposed revisions, although she expressed concern about the 50 foot rule.

Sharon Anear, resident, spoke against the proposed 50 foot rule because it especially affects the populated west end of the City.

James Hurysz, stated that he is running for the Congressional 8<sup>th</sup> District and has been a candidate for Arlington in the past. He supports political signs as the least expensive and easiest form of advertising.

Katy Cannady, resident, supports the proposed revisions as solving most of the problems with the current sign regulations but asked that the proposed 50 foot rule be deleted.

Paul Freedman, resident and campaign manager for a successful City Council candidate, spoke against the proposed 50 foot rule as too extreme for a problem that has not been clearly demonstrated. He also suggested allowing an exception to the political sign rule for election day, to allow future candidates to post notice of their plans, especially at polling places.

**PLANNING COMMISSION ACTION, MARCH 2, 2004:** On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to defer consideration of the text amendment and refer the issue back to staff to delete items 1, 2, and 3. The motion carried on a vote of 6 to 1, with Mr. Jennings voting against.

Reason: A majority of the Commission was not in favor of (1) limiting the time for political signs from 90 to 60 days; (2) restricting signs to medians only; or (3) restricting the number of signs to two per candidate per median. Some of the members questioned the need for any change to the current rules and advocated additional advertising of the issue when the issue returns to the Commission. The dissenting member objected to any restriction to exposure for candidates.

Speakers:

Lillian White, League of Women Voters, spoke in favor of increasing the bond and expanding its scope, but against the 60 day limit or the two sign per candidate limit. She also noted the importance of educating candidates about the rules for signs generally.

Michael Hobbs spoke in strong opposition to any change to the political sign rules.

Pat Butler, Alexandria Democratic Committee, supported the changes generally. He spoke in favor of a less restrictive change with regard to traffic safety and the distance from the end of medians in which signs could be placed, although he favored prohibiting signs at specific problem locations such as Route 1/Monroe Street, Quaker/Duke Street, and at Minnie Howard.

Julie Crenshaw spoke in favor of making the regulations easy to understand, but expressed concern for vandalism and tampering of signs, and suggested a potential fine for tampering.

Tom Parry objected to the process involved in changing the political sign regulations as not providing sufficient time for consideration by the public. He also expressed the view that the proposed changes protect incumbents.

Joan Lamb spoke in strong support of the First Amendment and political signs as an example of democracy. She objected to the proposed changes, except for the requirement to remove sign posts.

Sharon Annear opposed any changes to the regulations, finding the existing rules adequate and stating that free speech is more important than aesthetics.

Katy Cannady spoke against any limit to the number of signs or their location and in favor of political signs as an expression of free speech.

Poul Hertel spoke against any changes to the sign regulations, but acknowledged that he is not an American citizen.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission consider whether to recommend approval or denial of the following text amendment:

ARTICLE IX: SIGNS, MARQUEES AND AWNINGS

Sec. 9-108 Political signs. Political signs are permitted in the following locations, and for the following periods of time, subject to the following limitations.

(A) Private Property. Political signs may be posted on private property, with the permission of the property owner or lawful occupant of the premises.

(B) Public Medians. Political signs may be posted within ~~that portion of the public right-of-way that constitutes the grass portion of a street median~~ subject to the following rules for median signs:

1. Signs may be placed in the grass portion of the public right-of-way adjacent to a street, road, highway, alley or sidewalk.
2. No sign may be placed in any public garden or landscaped area.
3. No political sign may be placed within the public right-of-way of Washington Street or the George Washington Memorial Parkway.
4. No sign may be placed within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, ~~within 50 feet of the end of any street median on a four lane street~~ or within 15 feet of the end of any ~~other~~ street median, or within any traffic channelization island.
5. Any political sign erected or displayed on a public right-of-way shall be free standing, shall have no part extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches.
4. A map showing the specific median areas where signs are permitted is available in the Department of Planning and Zoning.
5. The number of signs permitted is two signs per candidate per median island or linear median dimension of 200 feet, whichever is less.
6. Prior to the display of any political signs in median areas, a cash bond in the amount of \$100.00 shall be deposited with the city manager. The bond will be refunded unless there has been a violation of these provisions, in which case the city is authorized to retain the bond funds to defray the cost of enforcing these provisions.

- (C) Time for Signs. No political sign may be erected or displayed more than ~~60~~ 90 days prior to the nomination or election to which it pertains. Signs, including sign posts or stakes, must be removed within 15 days after the announced results of the nomination or primary or general election to which the sign pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds ~~60~~ 90 days.

~~Sec. 9-201(A)(10) — Political signs, only on private property, or within that portion of the public right-of-way adjacent to a street, road, highway, alley or sidewalk the surface of which is grass; provided, however, that no political sign may be placed (i) within the public right-of-way of Washington Street or the George Washington Memorial Parkway, (ii) within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, (iii) within 15 feet of the end of any street median, or (iv) within any traffic channelization island. Any political sign erected or displayed on a public right-of-way shall be free standing, shall have no part extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches. No political sign may be erected or displayed on private property without the permission of the property owner or the lawful occupant of the property. Prior to the erection or display of any political signs, except those on private lots, a cash bond in the amount of \$100.00 shall be deposited with the city manager, which bond shall be conditioned upon removal of all signs within 15 days after the announced results of the nomination or primary or general election to which the signs pertain. If the signs are not removed within this time, the bond shall be forfeited to the city, and the proceeds may be used by the city to defray the cost of removing the signs. No political sign may be erected or displayed more than 90 days prior to the nomination or election to which it pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds 90 days.~~

Note: The highlighted sections show Planning Commission changes as a result of its March 2 and May 4 public hearings.

## DISCUSSION

City Council discussed the issue of political signs at a series of meetings last year following the May elections and asked staff to bring forward specific changes to the longstanding rules on political signs. The original text amendment was initiated by the Planning Commission on October 7, 2003, consistent with City Council's direction, and made changes regarding the location, the duration and the bond requirement for posting political signs.

At its public hearing on March 2, 2004, the Commission considered the proposed changes and asked staff to revise the text amendment, deleting the provisions (1) limiting the time for political signs from 90 to 60 days; (2) restricting signs to medians only; and (3) restricting the number of signs to two per candidate per median. This text amendment proposal responds to that direction.

### **Current Political Sign Rules for Elections**

Under the current ordinance, political signs may be displayed on private property in any zone, without limitation as to time, if authorized by the owner of the property. In addition, political signs are permitted on public rights-of-way, subject to the following limitations:

- signs are only permitted in the grass surfaced portions of the public rights-of-way (this excludes signs forced into concrete breaks or in flower beds);
- each sign must be freestanding and may be no taller than 42 inches;
- each sign may be supported by no more than two small posts;
- no signs are permitted on the George Washington Memorial Parkway (which includes all of Washington Street);
- no signs are permitted within 15 feet of an intersection;
- no signs are permitted within 15 feet of the end of a median strip;
- no signs are permitted on a traffic channelization island;
- signs may only be displayed beginning 90 days prior to an election;
- all signs must be removed by the 15<sup>th</sup> day following an election, unless there is a runoff; and
- a bond of \$100 dollars must be deposited to secure compliance with the fifteen day removal rule.

**Proposed Changes to Rules for Political Signs**

Staff sets out below each of the changes that Council asked staff to consider, the reasoning for the changes and the Planning Commission's reaction to the proposal on March 2, 2004.

1. Limit the time during which signs are allowed prior to an election to 60 days. The current rule allows signs to stay in the right-of-way for 90 days prior to an election. Council suggested that the City should consider limiting the time period to 60 days. The Commission asked staff to delete the change and to keep the time period for political signs at 90 days.
2. Restrict candidates signs to medians only and designate specific medians where signage is permitted. Council discussed prohibiting signs on the sides of roads and at intersections as one means of limiting signs, and limiting permitted signs to median areas. Council also asked staff to determine how best to advise candidates where signs were permitted. Staff's prior language changes and mapping effort were reviewed by the Planning Commission, but the Commission objected to limiting the place for signs to such a great extent. Instead, the Commission asked staff to draft the text amendment allowing signs in the same locations as are now permitted, such as on the sides of roadways, as well as in median areas. With that change, now incorporated into the proposed text, staff has omitted the idea of having a map available for candidates, the land areas where signs can be erected being too numerous and too small to meaningfully display on a map.
3. Restrict the number of signs per candidate to two signs per median. The most significant change to the political sign rules in the original text amendment, as suggested by Council, restricted allowable signs to two signs per candidate per median island or linear median dimension of 200 feet, whichever is less. The Commission considered this innovative approach to the political signs rules, but asked staff to eliminate it as being too restrictive for candidates.
4. Do not increase the amount of the bond, but expand its effect to include all of the political sign rules. The current bond requirement is \$100, and is paid at the time a candidate seeks a permit for signs. Under the current ordinance, the bond is forfeited only if signs are not removed within 15 days after an election. Staff has included language tying the forfeiture of the bond to compliance with all of the rules for political signs, not just the removal rules. Council heard testimony on the question of whether the amount of the bond should be increased, but stated a preference for the existing bond amount, especially given the budgets of new candidates and School Board candidates.

The Commission agreed with this approach.

5. Change the removal rule to require the removal of the sign posts as well as the signs themselves. Most political signs are now small and erected on two thin metal posts that are inserted into the ground. When the signs are removed as required, the posts are often not removed, and remain in the ground. Council asked staff to include a requirement that candidates remove the sign posts as well as the sign, because the remaining posts, which are almost invisible, are dangerous to city workers attempting to remove them and to city mowing machinery.

The Commission endorsed this rule change.

6. Make the political sign rules easy to understand and state them positively. Staff has rewritten the rules for signs to make them easier to understand. In addition to the ordinance language proposed, staff will also draft a friendlier, less legalistic, version of the rules to disseminate to candidates, making them as simple and straightforward as possible.

7. Ensure traffic safety. Transportation staff has suggested that the existing sign rules limiting signs for traffic safety be expanded to cover at least one specific traffic safety problem. The ordinance currently prohibits signs within 15 feet of an intersection, and within 15 feet of the end of a median. Signs within traffic channelization islands are also prohibited. Given the difficulty drivers experienced this past election season attempting to turn left from the Minnie Howard parking lot onto Braddock Road, staff proposes that on a four lane road no signs be permitted within 50 feet of the end of a median.

STAFF: Eileen P. Fogarty, Director, Planning and Zoning;  
Barbara Ross, Deputy Director.

Attachments:

1. May 8, 2003 memo to Council (5/17/03 #6), with TA 98-0006 attached.
2. June 17, 2003 memo to Council (6/24/03 #21)

City of Alexandria, Virginia

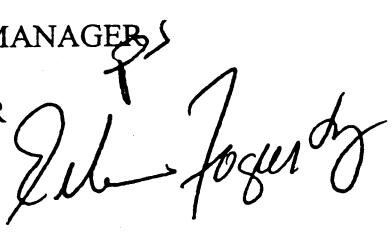
6  
5-17-03

MEMORANDUM

DATE: MAY 8, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER

FROM: EILEEN FOGARTY, DIRECTOR  
PLANNING AND ZONING 

SUBJECT: POLITICAL SIGNS

**ISSUE:** Political signs during election periods.

**RECOMMENDATION:** That City Council consider the attached material regarding prior discussions about political signs and determine whether to direct staff to study, or to make, changes in the current regulations regarding political signs.

**DISCUSSION:** The attached material reflects prior discussions on political signs, and includes information from several public hearings, meetings and extensive consideration of the issue during the 1997-1998 time frame. The background at that time is as follows:

- After a public hearing on November 15, 1997, Council asked the Planning and Zoning staff to prepare an amendment to the zoning ordinance prohibiting any political signs in the public rights of way.
- The text amendment was considered by the Planning Commission on March 3, 1998. At its public hearing on the issue, there was unanimous testimony against a full prohibition of political signs on the rights of way. The Planning Commission then directed staff to meet with representatives of the Democratic and Republican Committees and the League of Women Voters, and to draft a new proposal which made appropriate changes to the regulations for political signs.
- Planning staff held a series of meetings on the issue of political signs and, as a result, proposed a text amendment that increased the bond amount paid by candidates to ensure removal within the required 15 days after an election from \$100 to \$250; the amendment



also made the bond cover any violation of the rules for political signs.

- After hearings on the proposed text amendment on April 7 and May 5, 1998, the Planning Commission voted to recommend approval of the proposal.
- After a public hearing on the matter on May 16, 1998, Council tabled the matter. The current political sign regulations require a \$100 bond from candidates and removal of signs within 15 days of the election or the bond is forfeited.

The full background is discussed in the attached staff report on the 1998 proposed text amendment. The current regulations for political signs in rights of way, which are the same today as they were in 1998, are included in the staff report, and summarized at page 7 of the report.

Attachment: Staff report, TA 98-0006

Docket Item # 20  
TEXT AMENDMENT 98-0006

Planning Commission Meeting  
May 5, 1998

**CASE:** TEXT AMENDMENT 98-0006  
POLITICAL SIGNS IN THE RIGHT-OF-WAY

**ISSUE:** Consideration of an amendment to Section 9-201(A)(10) (Political Signs) of the Zoning Ordinance regarding the placement of political signs in all public rights-of-way in the City. Staff: City of Alexandria, Department of Planning and Zoning.

---

**CITY COUNCIL ACTION, MAY 16, 1998:** City Council tabled this item.

**PLANNING COMMISSION ACTION, MAY 5, 1998:** On a motion by Mr. Wagner, seconded by Mr. Komoroske, the Planning Commission recommended approval of the text amendment, with amended language. The motion carried on a vote of 7 to 0.

**Reason:** The Commission agreed with representatives of the Republican and Democratic parties and the League of Women Voters that political signs should remain permitted on public rights-of-way during the campaign season, with a small increase in the bond from \$100 to \$250 and with an amendment providing for the loss of a portion of the bond in the event of any violation of the requirements for political signs.

**Speakers:**

Michael Hobbs, Republican Committee, spoke against a complete bar on signs and against any increase in the amount of the bond.

Marilyn Doherty, League of Women Voters, spoke against a complete ban on political signs and in favor of an increase in the bond amount.

Linda Couture, prior candidate for office, spoke against a ban on political signs.

Paul Smedberg, Democratic Committee, spoke in favor of a reduction in the time period for political signs.

Larry Stansbury spoke in favor of an increased bond and a shortened period for signs and against the proliferation of all signs in the rights-of-way generally.

**PLANNING COMMISSION ACTION, APRIL 7, 1998:** On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to defer the text amendment prohibiting all political signs. The motion carried on a vote of 7 to 0.

Reason: The Commission heard comments from several speakers, all of whom spoke against a total prohibition of political signs in the right-of-way and in favor generally of the existing law. The Commission asked that representatives of the League of Women Voters and the Democratic and Republican Party Committees continue their work in the hopes that they may agree on the issues of whether a higher bond for offenders is advisable and precisely how stricter enforcement measures should be carried out and asked staff to craft a proposal based on that agreement.

Speakers:

Pat Butler, Alexandria Democratic City Committee, supports the existing ordinance, perhaps with increased bond amounts.

Marilyn Doherty, League of Women Voters, described a three part agreement arrived at among the League and the Democratic and Republican Committees, which includes the retention of the existing rules plus a coordinated candidate training program regarding the rules and their importance. The League believes the amount of the bond should be increased as an incentive against offenders.

Katy Canady, representing a group of named individuals, spoke in support of the current ordinance and against a total prohibition of political signs in public areas.

Judy Miller, Rosemont Civic Association, spoke in support of the current rules, although she thought that 60 days for signage would be preferable to 90 days.

Michael Hobbs, Alexandria Republican City Committee, spoke in support of signs in the right of way areas, especially for challenger for Council seats and candidates for School Board. He believed that better enforcement and training of candidates would make for more tolerable signage and that the time periods and bond amounts should not be changed.

John Vail, American Civil Liberties Union, spoke in opposition to the text amendment.

Paul Smedberg, Democratic Committee, spoke in favor of the current rules, except that he could support a shorter time period for signs.

**PLANNING COMMISSION ACTION, MARCH 3, 1998:** On a motion by Mr. Wagner, seconded by Mr. Leibach, the Planning Commission voted to defer the text amendment prohibiting all political signs. The motion carried on a vote of 6 to 1, with Mr. Dunn voting against the motion.

Reason: The League of Women Voters requested that the matter be deferred so it could continue its work to achieve a compromise regulatory scheme for political signs. A majority of the Commission agreed and noted that the public hearing was not closed.

Speakers:

Marilyn Doherty spoke on behalf of the League of Women Voters and requested a deferral of the text amendment.

Liebel Hobbs spoke in opposition to the prohibition of political signs on the right of way.

Lois Kelso Hunt spoke in opposition to the proposal and suggested a reduced period for signs of 30 days.

Katy Canady spoke in favor of a deferral.

Pat Butler spoke in opposition to the text amendment.

Paul Hertel spoke in opposition to the text amendment and suggested a sign period of 60 days.

Ken Wolfe spoke on behalf of the Alexandria Republicans and in opposition to the text amendment.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission consider whether to recommend approval or denial of the following text amendment:

ARTICLE IX: SIGNS, MARQUEES AND AWNINGS

**Sec. 9-100 General provisions.**

Sec. 9-102 *Definitions.* For purposes of this Article IX, the following words and phrases shall have the meanings ascribed to them below, unless the context otherwise indicates:

(HH.1) *Street median.* A defined area of the public right-of-way located between traffic lanes, usually elevated and narrow, which follows the course of the roadway to separate traffic moving in the same or opposite directions.

(II.1) *Traffic channelization island.* A defined area of the public right-of-way located in a roadway to confine specific movements of traffic, usually turning movements at an intersection, to definite channels.

Sec. 9-104 Prohibited signs, marquees and awnings and exceptions.

Sec. 9-104(E) *Signs, marquees and awnings encroaching upon a public right-of-way.* No sign, marquee or awning, or any part thereof, or any part of the foundation or support thereof, may be erected or displayed on, over or across any street, road, highway, alley, sidewalk or other public right-of-way, unless an ordinance authorizing such encroachment has been enacted by city council; provided, however, that any banners authorized pursuant to section 9-104(F), political signs authorized by section 9-201(A)(10), signs, marquees and awnings specifically authorized by city council in a commercial zone for up to ten days under section 9-202(A)(5), signs in a commercial zone authorized by section 9-202(B)(4) and curb signs shall not be subject to this section 9-104(E).

**Sec. 9-200 Signs, marquees and awnings permitted in various zones.**

Sec. 9-201 *Residence and mixed use zones.* The following signs, marquees and awnings only may be erected and displayed in any residence and mixed use zone so long as they comply with all other applicable requirements of this Article IX.

**WITH AMENDMENT BY PLANNING COMMISSION:**

Sec. 9-201(A)(10) Political signs, only on private property, or within that portion of the public right-of-way adjacent to a street, road, highway, alley or sidewalk the surface of which is grass; provided, however, that no political sign may be placed (i) within the public right-of-way of Washington Street or the George Washington Memorial Parkway, (ii) within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, (iii) within 15 feet of the end of any street median, or (iv) within any traffic channelization island. Any political sign erected or displayed on a public right-of-way shall be free standing, shall have no part extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches. No political sign may be erected or displayed on private property without the permission of the property owner or the lawful occupant of the property. Prior to the erection or display of any political signs, except those on private lots, a cash bond in the amount of ~~\$100.00~~ \$250.00 shall be deposited with the city manager, which bond shall be conditioned on the terms of this section 9-201(A)(10). If any sign is placed in violation of this section, the city shall remove it and the cost of such removal shall be charged against the required cash bond and reduce the amount that would otherwise be refundable. In addition, if any sign is not removed within the 15 days after the announced results of the nomination or primary or general election to which the sign pertains, the bond shall be entirely forfeited to the city; and the proceeds may be used by the city to defray the cost of removing the sign. ~~upon removal of all signs within 15 days after the announced results of the nomination or primary or general election to which the signs pertain. If the signs are not removed within this time, the bond shall be forfeited to the city, and the proceeds may be used by the city to defray the cost of removing the signs.~~ No political sign may be erected or displayed more than 90 days prior to the nomination or election to which it pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds 90 days.

## DISCUSSION

This text amendment is the result of a referral made on November 15, 1997, from City Council, after a public hearing on the matter, requesting the preparation of a text amendment to prohibit all political signs in the public rights-of-way in the City. At the Planning Commission, the text amendment prompted many speakers, almost all of whom spoke in favor of retaining the right to place political signs in the right of way, although the speakers were not in agreement on all aspects of the issue. The Commission directed staff to prepare a new text amendment, restoring the prior political sign law, making those changes it deemed advisable, and addressing the issue of enforcement of the regulations.

At its hearing on April 7, the Commission heard from, among others, representatives of the League of Women Voters and the Alexandria Republican and Democratic Committees. That coalition (hereinafter "coalition") had held a series of meetings in the hopes of coming to an agreement as to what the law regarding political signs should be. The coalition agreed that the existing law allowing political signs in public rights of way should be retained. It also acknowledged that the group did not reach consensus about the following issues: (1) whether the length of time that signs are allowed in an election cycle should be changed from 90 days to 60 days; and (2) whether the amount of the required bond posted by candidates should be increased.

In addition, representatives of the coalition announced strong agreement and joint commitment to a new effort to educate all candidates regarding the rules for political signs and the value of adhering to those rules. The group felt strongly that education was the key to attaining greater compliance with the current rules. Members of the group also spoke in favor generally of stronger enforcement by the City of the current rules, expressing the belief that the result would be fewer signs, all of which would be in compliance with existing rules.

Staff met with representatives of the coalition recently and learned that there is no further agreement than existed at the last Planning Commission meeting. The issue of enforcement was discussed at length and in detail with them, with the result that there appeared to be consensus on that item as well: While the group generally favored more proactive enforcement by staff, they recognized that most of the signs posted are legal and that even after a massive enforcement effort, most of the conditions that give rise to public concerns (i.e., the large number of signs and the long period of time in which the signs are displayed) would continue.

Existing Rules for Political Signs in the Public Rights of Way

Under the current ordinance, political signs may be displayed on private property in any zone, without limitation as to time or size, if authorized by the owner of the property. In addition, political signs are permitted on public rights of way, subject to the following limitations:<sup>1</sup>

- signs are only permitted in the grass surfaced portions of the public rights-of-way;
- each sign must be freestanding and may be no taller than 42 inches;
- each sign may be supported by no more than two small posts;
- no signs are permitted on the George Washington Memorial Parkway;
- no signs are permitted within 15 feet of an intersection;
- no signs are permitted within 15 feet of the end of a median strip;
- no signs are permitted on a traffic channelization island;
- signs may only be displayed beginning 90 days prior to an election;
- all signs must be removed by the 15<sup>th</sup> day following an election, unless there is a runoff; and
- a bond of \$100 dollars must be purchased to secure compliance with the fifteen day removal rule.

In addition to the above ordinance requirements, staff also protects public property from damage by, for example, requiring the removal of signs from flower beds.

---

<sup>1</sup> Section 9-104(E) of the Zoning Ordinance generally prohibits all non-governmental signs in the public rights-of-way. However, an exception is made for political signs, as well as (i) signs for which an encroachment ordinance has been approved by council, (ii) temporary (10 day) banners across a street or alley that have been approved by council or the city manager, (iii) signs projecting no more than four feet from the face of a building, if at least eight feet above a sidewalk or 14.5 feet above an ally, and (iv) street address numbers painted on curbs.



Despite the above rules, there are perennial complaints regarding the proliferation of signs. At the November 15, 1997, public hearing for example, council heard testimony that the growing number of political signs at certain intersections in the city during the past council/school board campaign period was so distracting to motorists as to be a safety hazard, and that the proliferation of signs throughout the city generally constituted a visual blight for the duration of the campaign period.

#### Proposed Changes to Existing Rules

Although the members of the coalition could not come to agreement regarding any changes to the existing rules, they and other citizens spoke regarding two proposed changes: 1) that the time political signs are permitted be shortened, and 2) that the amount of the required bond be increased. On the issue of the time period, the Commission heard testimony both for and against reducing the current 90 day time period for signs to only 60 days. On the one hand, a shorter period would mean that citizens endure what some consider visual blight for less time. On the other, new voters may not by law register later than 30 days prior to an election and campaign signs are an important means of informing new residents that an election is coming. Therefore, it was argued, signs should be posted sufficiently long before that deadline to encourage new voters to register. In addition, for new candidates with limited budgets, a long signage period is an effective way to achieve name recognition. Finally, shortening the period to 60 days would have placed the opening of the permitted sign window after Labor Day in the last five out of seven years, thus depriving campaigns of the school age work force now relied on to erect early signs. There being no consensus among the coalition, and there being reasonable arguments on both sides of the issue, staff does not recommend a change to 90 day time period.

Regarding the bond, candidates now are required to post a \$100 bond prior to posting any signs. Under current rules, the bond is forfeited only for allowing signs to remain beyond 15 days after the election. Staff believes that a higher bond, for example \$250 instead of the current \$100, could be an incentive to obey the sign rules. On the other hand, there was strong testimony from speakers regarding how small the budgets of some candidates are, and that an increase of the bond could be a hardship on new challengers and school board candidates. Staff believes that some increase in the bond is warranted and that a \$100 bond is too nominal to affect behavior. Our recent experience has been that all signs have been removed by the deadline. Not all future candidates may be so compliant and staff believes a higher bond may induce compliance. The proposed text amendment includes an increase from \$100 to \$250 for the candidate's bond.

#### Enforcement

In the past, the Planning Department has undertaken limited enforcement of the rules for political signs. However, staff acknowledges two aspects of its enforcement that Council may wish to change. First, as a general rule, its work with regard to potential illegal signs has been not been proactive; its enforcement is based only on complaints received. In other words, it has not systematically gone out and inspected all of the City rights of way for candidates signs, measuring

each one and its distance from various points, to determine whether each of the rules for the signs has been met. Rather, it would undertake such efforts only when it received a complaint alleging that signs had been posted illegally. Staff has been vigilant with regard to each and every complaint received. It has acted quickly, usually in the same day, to determine whether the allegedly illegal sign complies with the rules for political signs.

Secondly, when, in response to a complaint, it found an illegal sign, it has been careful *not* to remove that sign itself. Concerned about allegations of political favoritism, staff has kept its involvement as limited as possible. Instead of removing an illegal sign, staff has historically contacted the offending candidate's office and required the candidate's staff to remove the sign immediately. In fact, this process has worked very well; staff can report a very high degree of compliance. In the rare case that a sign was not removed immediately, a second phone contact would succeed in solving the matter. Staff can recall only one or two of incidents over the last several election cycles when a second call was required.

Nevertheless, the Commission and Council have heard repeated testimony that the proliferation problem can be solved with more and more rigorous enforcement. If Council believes that increased enforcement will lead to fewer signs in the right of way and signs posted in more appropriate places, then staff recommends that it be clear and specific, including language in the ordinance, regarding Council's expectations and staff's obligations. If Council wishes to do so, staff could include language in this text amendment which would mandate increased enforcement in two specific respects:

#### 1. Proactive Enforcement

Staff can, if Council wishes, and if resources are redeployed, change its basic approach with regard to political signs from a complaint based system to one which inspects on a systematic basis all rights of way for violations. In the event the Commission and Council wish to make staff's approach to enforcement of political signs proactive, staff can suggest language to add to the text of the ordinance making it staff's duty to inspect as part of a systematic program of enforcement.

#### 2. Staff to Remove and Destroy Illegal Signs

Similarly, staff can change its approach as to the removal of illegal signs, now handled by contacting campaign offices. Staff has found the method successful, mainly because candidates are highly motivated to correct visible violations of the City's laws that are part of the public information available about them and because the number of violations has been small. Staff believes that if it is proactive in its enforcement, it will likely find enough additional illegal signs to make it more efficient for staff to simply remove the offending signs during its inspections. Staff is authorized now to remove any illegal signs but is required to impound them unless they are only of *de minimus* value, in which case they may dispose of them. Staff's experience is that almost all of the political signs fit within that category of having a small monetary value. Most are cardboard and attached to small wooden or metal stakes. Therefore, staff can include language to address this aspect of

enforcement in the text amendment, stating that political signs will be considered of little monetary value, and that staff has the duty to remove and destroy illegal signs.

#### Effect of Increased Enforcement

Staff is not certain that heightened enforcement will cure the problems perceived with political signs, because it believes that the vast majority of political signs have been posted legally in the past. Planning staff typically receives fewer than five complaints each election cycle and the complaints usually relate to the number of total signs in the City, the number of one particular candidate's signs or the crowding of signs in one location. Similarly, the City receives complaints from candidates each time it removes and replaces signs after mowing the grassy areas in which they are placed and campaign offices are evidently besieged by general complaints about signs. These issues may not involve violations of the rules for political signs. Furthermore, when staff has investigated the legitimate complaints it has received, it has checked all of the signs in the area for violations and typically found none.

**Staff believes that if enforcement efforts are increased, it will find some illegal signs, but that the great majority of signs will remain legally erected. The result will be continued complaints regarding the proliferation of signs.**

To operate proactively with regard to political signs, staff will have to inspect and measure each posted sign. Staff can measure the height of each sign, the size of the sign supports, and the distance of signs from intersections and the ends of medians. Staff is reluctant to undertake that work, mainly because it anticipates that doing so, and doing so fairly, will be an enormous amount of work. First of all, it will constitute new duties, not currently performed. To perform them fairly, staff will have to inspect religiously throughout the period signs are permitted.

Thorough enforcement could also mean extensive record keeping requirements for zoning inspectors. Even if staff simply removes and destroys any illegal signs, it would ordinarily take steps to be able to defend itself against the inevitable allegations of unfair treatment for political purposes, favoritism of one candidate over another, and purposefully incomplete checking of certain candidate's signs. Attached is the type of form staff will need to create for each sign it finds in violation of the rules. Staff will need to record the location of the sign in detail if it finds that it is too close to an intersection or the end of a median. The only way to reasonably do that is for staff to draw a picture of the intersection, median or other location, indicating the type of infraction and giving the relevant details, such as measurements. If there are more than a few problem signs, the work could become quite time consuming. Even if staff does an excellent job of memorializing all data on illegal signs, unless staff also records the details of each and every *legal* sign, and it does not propose to do that, it may not be able to answer all allegations of unfair treatment. The administrative complexity of increased enforcement efforts needs to be balanced against the cost of resources to do the work and the benefit Council perceives will result from such work.

**If Council requires that staff document and possibly photograph each violation, the added workload could require additional staff or else will result in decreased enforcement of other zoning violations during the campaign season.** If no documentation is required, staff will not be able to defend itself against allegations that it improperly removed signs. Staff believes that the limited benefit of rigorous and documented enforcement may not be worth the high cost of staff time because many of the problems that gave rise to the complaints about political signs will not be resolved by more enforcement.

**STAFF:** Sheldon Lynn, Director, Planning and Zoning; Barbara Ross, Deputy Director, Planning and Zoning.

**Attachment:** Docket Item No. 9, November 15, 1997.

SAMPLE

## POLITICAL SIGN VIOLATION RECORD

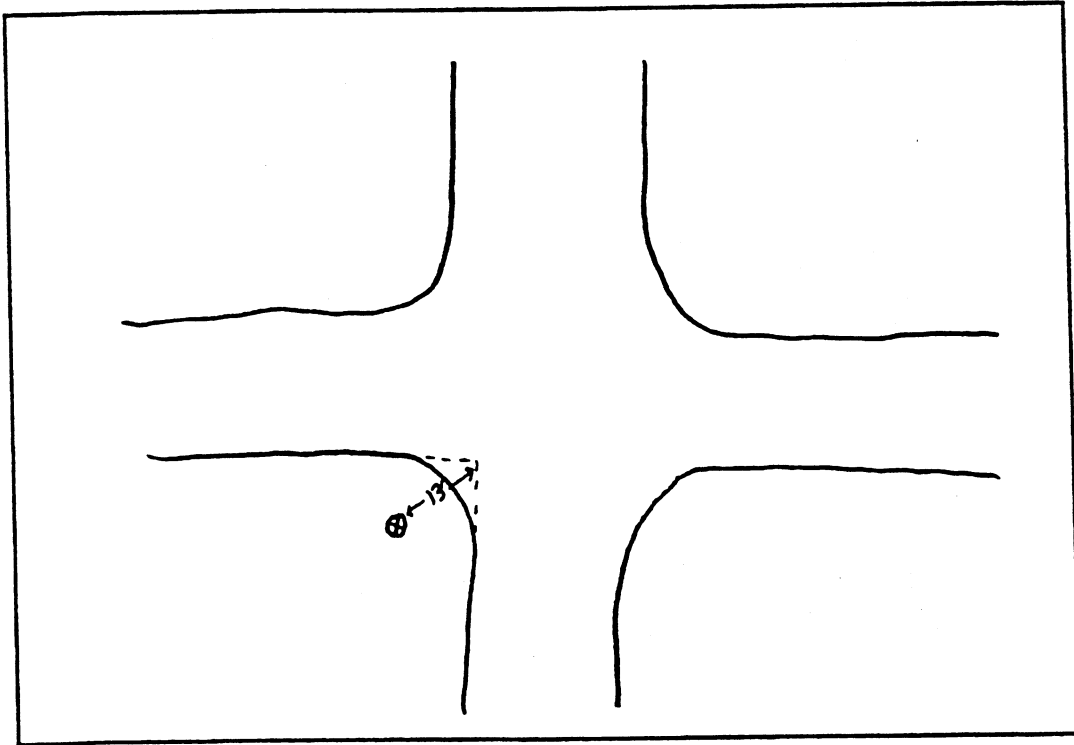
CANDIDATE \_\_\_\_\_

CASE NO. \_\_\_\_\_

LOCATION \_\_\_\_\_

DATE \_\_\_\_\_

INSPECTOR \_\_\_\_\_



### VIOLATION TYPE

- \_\_\_\_\_ signs are only permitted in the grass surfaced portions of the public rights-of-way
- \_\_\_\_\_ each sign must be freestanding and may be no taller than 42 inches
- \_\_\_\_\_ each sign may be supported by no more than two small posts
- \_\_\_\_\_ no signs are permitted on the George Washington Memorial Parkway
- no signs are permitted within 15 feet of an intersection
- \_\_\_\_\_ no signs are permitted within 15 feet of the end of a median strip
- \_\_\_\_\_ no signs are permitted on a traffic channelization island
- \_\_\_\_\_ signs may only be displayed beginning 90 days prior to an election
- \_\_\_\_\_ all signs must be removed by the 15<sup>th</sup> day following an election
- \_\_\_\_\_ no signs are permitted in City planting beds



Kerry J. Donley  
Mayor

William D. Euille  
Vice Mayor

Members of Council  
William C. Cleveland  
Redella S. Pepper  
Lonnie C. Rich  
David G. Speck  
Lois L. Walker

EXHIBIT NO. 1

City of Alexandria, Virginia

301 King Street, Suite 2300  
Alexandria, Virginia 22314



MEMORANDUM

9  
11-15-97

Beverly I. Jett, CMC  
City Clerk and  
Clerk of Council

(703) 838-4550  
Fax: (703) 838-6433

DATE: OCTOBER 7, 1997

TO: PRESIDENTS OF CIVIC ASSOCIATIONS, CHAIRS OF ALEXANDRIA BOARDS AND COMMISSIONS, COMMUNITY ORGANIZATIONS, ALEXANDRIA DEMOCRATIC AND REPUBLICAN COMMITTEES, AND INTERESTED CITIZENS

FROM: BEVERLY I. JETT, CMC, CITY CLERK AND CLERK OF COUNCIL *ij*

SUBJECT: COMMENTS ON PROPOSALS FOR CHANGES IN REGULATIONS GOVERNING POLITICAL SIGNS ON PUBLIC SPACE

The Alexandria City Council is seeking public comment on the establishment of Proposals for Changes in Regulations Governing Political Signs on Public Space. City Council has docketed this item for public hearing on its Saturday, November 15, 1997 public hearing meeting, which begins at 9:30 a.m. in the Council Chambers, City Hall, 301 King Street.

Attached is a copy of the proposed changes in regulations.

Citizen comments may be made in person at the November 15 public hearing or submitted in writing to the Office of the City Clerk, City Hall, 301 King Street, Suite 2300, Alexandria, Virginia 22314, or through the City Clerk's E-mail address at [beverly.jett@ci.alexandria.va.us](mailto:beverly.jett@ci.alexandria.va.us).

Attachment

cc: Michele Evans, Assistant City Manager

PROPOSALS FOR CHANGES IN REGULATIONS GOVERNING POLITICAL  
SIGNS ON PUBLIC SPACE

- Prohibit signs on any public space.
- Prohibit signs except on weekends.
- Prohibit signs until 30 days before an election.
- Limit the number of signs that a particular candidate can place within the City limits.

Or

- Make no changes in current regulations.

EXHIBIT NO. 2

City of Alexandria, Virginia  
TA 98-0006

~~18~~  
~~6-14-97~~  
9  
11-15-97

MEMORANDUM

DATE: JUNE 1, 1997  
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
THRU: VOLA LAWSON, CITY MANAGER *Vola Lawson*  
FROM: SHELDON LYNN, DIRECTOR *Sheldon Lynn*  
PLANNING AND ZONING  
SUBJECT: MATERIALS FOR PUBLIC HEARING ON POLITICAL SIGNS

City Council has agreed to hold a public hearing on June 14 on political signs. I am enclosing, as background for that public hearing, the following materials that we give out to those requesting permission to erect political signs:

1. Excerpts from the zoning ordinance related to political signs (Attachment 1)
2. Guidelines for posting political signs (Attachment 2)
3. The application for placement of political signs on the public right-of-way (Attachment 3)  
[These guidelines include recent minor changes recommended by the City Attorney's Office.]

The most frequent violations of these regulations are:

1. Erecting signs with a height of over 42 inches
2. Erecting signs closer than 15 feet from the point at which the curb lines of the two intersecting streets meet
3. Erecting signs in flower beds

The most frequent complaint we hear, which is not a violation of the zoning ordinance, is that there are too many signs.

Enclosures (listed above)

cc: Philip Sunderland, City Attorney

*24*



CITY OF ALEXANDRIA, VIRGINIA  
1992 ZONING ORDINANCE  
POLITICAL SIGNS

SECTION 9-201 (A)(10): POLITICAL SIGNS, only on private property, or within that portion of the public right-of-way adjacent to a street, road, highway, alley or sidewalk the surface of which is grass; provided, however, that no political sign may be placed (i) within the public right-of-way of Washington Street or the George Washington Memorial Parkway, (ii) within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, (iii) within 15 feet of the end of any street median, or (iv) within any traffic channelization island. Any political sign erected or displayed on a public right-of-way shall be freestanding, shall have no part extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches. No political sign may be erected or displayed on private property without the permission of the property owner or the lawful occupant of the property. Prior to the erection or display of any political signs, except those on private lots, a cash bond in the amount of \$100 shall be deposited with the city manager, which bond shall be conditioned upon removal of all signs within 15 days after the announced results of the nomination or primary or general election to which the signs pertain. If the signs are not removed within this time, the bond shall be forfeited to the city, and the proceeds may be used by the city to defray the cost of removing the signs. No political sign may be erected or displayed more than 90 days prior to the nomination or election to which it pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds 90 days.

SECTION 9-102 (Z): POLITICAL SIGN. Any sign addressing the candidacy of one or more persons for elective office.

SECTION 9-102 (HH.1): STREET MEDIAN. A defined area of the public right-of-way located between traffic lanes, usually elevated and narrow, which follows the course of the roadway to separate traffic moving in the same or opposite directions.

SECTION 9-102 (II.1): TRAFFIC CHANNELIZATION ISLAND. A defined area of the public right-of-way located in a roadway to confine specific movements of traffic, usually turning movements at an intersection, to definite channels.

SECTION 9-104 (J): SIGNS AFFIXED TO CERTAIN PROPERTY: No sign may be painted, marked, written, posted or displayed on, or otherwise affixed to, any street sign, bus stop sign or traffic sign, sidewalk, crosswalk, curb, curbstone, street, lamp post, hydrant, railroad trestle, electric light or power pole or telephone pole or wire appurtenance thereof, fixture of the fire alarm system, public bridge, drinking fountain, natural features such as trees, shrubs, rocks or tree stakes or guards; provided, however, that curb signs and signs posted for the purpose of identification of a structure or for safety may be erected and displayed; and provided further, that political signs authorized by section 9-201(A)(10) may, with the owner's permission, be affixed to street lamp posts, electric light or power poles and telephone poles.

FOR QUESTIONS ON PROCEDURES  
CONTACT ALEXANDRIA PLANNING AND ZONING  
(703) 838-4666

## CITY OF ALEXANDRIA, VIRGINIA

### GUIDELINES FOR POSTING POLITICAL SIGNS

1. No political signs may be posted in the right-of-way without a permit.
2. Individual candidates may obtain their own permit, or political parties may obtain permits for party candidates. However obtained, each candidate must have a separate permit.
3. The permit application must be signed by the person(s) responsible to remove the signs in compliance with City procedures.
4. No adhesive-backed signs are allowed to be posted on public structures (i.e., light poles, traffic signs, bridges, or similar public appurtenances). If any such signs are posted, the permit is subject to automatic revocation and the bond will not be returned.
5. The zoning ordinance prohibits posting signs on any street sign, bus stop sign or traffic sign, sidewalk, crosswalk or curb, curbstone, street, lamp post, hydrant, railroad trestle, electric light or power pole, telephone pole or wire appurtenance thereof, fixture of the fire alarm system, public bridge, drinking fountain or natural features (such as trees, shrubs, rocks or tree stakes or guards) in the public right-of-way. Political signs authorized by section 9-201(A)(10) of the zoning ordinance may, with the pole owner's permission, be affixed to street lamp posts, electric light or power poles and telephone poles. (Written proof must be provided to the zoning office at the time of application.)
6. All other political signs displayed in the public right-of-way must be freestanding, extending no more than 3.50 feet (42 inches) above ground level, supported by no more than two supports no larger than 1.00 inch by 2.00 inches, and be placed in a grass area, in a street median or alongside a street.
7. No signs of any kind will be placed on the public right-of-way on Washington Street/George Washington Memorial Parkway, according to a 1931 agreement between the City of Alexandria and the Federal Government.

8. No signs may be placed in City flower beds, tree wells or other areas which are not a grass area.

9. In order to avoid traffic hazards, no sign will be placed within 15.00 feet of the end of any traffic median, or within 15.00 feet of the intersection of the curb line or two intersecting streets or on any traffic channelization island. Signs found to be in violation will be removed by the City.

10. No signs may be posted on City property such as parks, public buildings and plazas, school buildings and schoolyards, etc.

11. Signs may be displayed for a period of time beginning 90 days prior to the election and ending 15 days following the election. In order to abate visual clutter, City Council expresses the desire that signs be posted for a considerably shorter period of time.

12. Any single sign remaining within the public right-of-way on the 16th day following the election will constitute cause for forfeiture of the bond.

13. No political signs may be displayed on private property without the permission of the property owner or occupant.

14. These guidelines do not apply to political signs posted on private property.

FOR QUESTIONS ON PROCEDURES  
CONTACT ALEXANDRIA PLANNING AND ZONING  
(703) 838-4666

TA 98-0006

# CITY OF ALEXANDRIA, VIRGINIA

## APPLICATION FOR PLACEMENT OF POLITICAL SIGNS ON PUBLIC RIGHTS-OF-WAY

DATE OF APPLICATION: \_\_\_\_\_

POLITICAL CANDIDATE'S NAME: \_\_\_\_\_

POLITICAL PARTY AFFILIATION (if any) \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

(person responsible for posting and removing signs)

APPLICANT'S ADDRESS: \_\_\_\_\_

APPLICANT'S PHONE NUMBER: (Home) \_\_\_\_\_ (Office) \_\_\_\_\_

APPROXIMATE NUMBER OF SIGNS: \_\_\_\_\_

THE UNDERSIGNED APPLICANT has read and understands the applicable rules and regulations for posting political signs and is authorized by the political party or candidate stated herein to make such application.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
date

=====

[CITY OF ALEXANDRIA STAFF USE ONLY]

DATE REVIEWED: \_\_\_\_\_ PERMIT # \_\_\_\_\_

STAFF REVIEWER: \_\_\_\_\_ STAFF ACTION:  APPROVED  DENIED

DATE BOND PAID: \_\_\_\_\_  CASH  CHECK # \_\_\_\_\_

(Account #105106-2200-000008 Political Signs)

DATE SIGNS TO BE REMOVED BY: \_\_\_\_\_

SIGNS REMOVED BY REQUIRED DATE:  YES  NO DATE BOND RELEASED: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

- cc:  Transportation & Environmental Services  
 Code Enforcement  
 Police Department

Docket Item 1  
TA 98-006

**LEAGUE OF WOMEN VOTERS OF ALEXANDRIA**  
317 Skyhill Road  
Alexandria, Virginia 22314  
Telephone: 703-212-0982  
Fax: 703-212-9037  
E-mail: gkhines@aol.com

**Members of the Planning Commission:**

I am Marilyn Doherty and I am speaking as Co-President of the League of Women Voters of Alexandria on the text amendment on political signs.

The League's mission is to ensure that citizens have full participation in the electoral process. The proposed text amendment which would ban the use of all political signs in public rights of way would severely limit the ability of candidates, particularly newcomers, to communicate their candidacy and message to the voters.

While we recognize and appreciate the safety and aesthetic problems associated with political signs, we believe strongly that such signs are an essential ingredient of a democratic system of government. And a total ban on political signs in public rights of way seems to be a drastic measure when improvement of the present system has not been attempted.

We are therefore speaking in opposition to the proposed text amendment. Nonetheless we are also here to offer a reasonable alternative to this proposal and ask that the issue be deferred.

First, the League, along with the Republican and Democratic Committees of Alexandria, are working together to forge a workable compromise on the ban to political signs. Our discussions thus far have resulted in the following:

- o All three organizations propose that the cash bond deposit required by the City from candidates be increased to \$200. We believe this is high enough to encourage candidates to remove their signs in order to receive a refund. But, not so high that it will discourage newcomers from entering a political campaign.
- o The three organizations also agree that the current regulations stipulating setback and size requirements of political signs are adequate. should be continued and, more importantly, enforced by the city. Enforcement in our view means that those signs that do not meet these regulations should be removed by city staff. The City has not been willing to invest the resources into enforcement of regulations regarding political signs in public rights of way.
- o And finally, the Republican and Democratic Committees and the League of Women Voters have agreed to conduct joint candidate training on city regulations regarding the posting of political signs (setback, size, placement and removal requirements).

We also wish to inform you that the three organizations are still discussing the time periods for placement and removal of political signs. We hope to return to the Planning Commission with our joint recommendations soon. With discussions continuing, the League respectfully requests that the Planning Commission defer voting on this matter until such time that the League and the Democratic and Republican Committees have reached an agreement on the remaining issues. We are confident that we will come back to the Planning Commission with an alternative proposal for your consideration.

Thank you for your consideration of a deferral of this issue. And thank you for this opportunity to speak on this important matter.

3/3/98

LEAGUE OF WOMEN VOTERS OF ALEXANDRIA  
317 Skyhill Road  
Alexandria, Virginia, 22314  
Telephone: 703-212-0982  
FAX: 703-212-9037, 703-548-8740  
E-mail: gkhines@aol.com

Chairman Hurd and Members of the Planning Commission:

I am Marilyn Doherty and I am speaking as Co-President of the League of Women Voters of Alexandria.

Last month you agreed to defer action on the Text Amendment on political signs. We felt the proposed text amendment, which would ban political signs from all public rights of way, would severely limit the ability of candidates, particularly new candidates, to convey their candidacy and message to the voters. We wanted to continue to confer with the Republican and Democratic Committees in Alexandria so we could bring forward a joint proposal.

We are happy to report that we have in fact reached agreement on most of the key points regarding political signs, and on additional voluntary action. Our discussions with the two committees resulted in the following:

- \* All three organizations agree that the 90 day period for posting of signs should remain. The League had originally suggested a 30 day period, but was persuaded by the strong concern of both committees that when voter registration is closed 29 days before any election, a longer posting period is necessary to alert those who need to register or change their registration.
- \* We agree that the time to remove signs after an election can remain at 15 days. The League comes to this agreement less enthusiastically, because after the polls close on election day, there is no longer any voter education function. However, we feel that the stated time limit can work if combined with the following two suggestions.
- \* We all agree that there should be strict enforcement by the city of the current regulations stipulating setback and size of political signs. In our view signs that do not meet the regulations should be removed by city staff.
- \* Finally, the Republican and Democratic Committees and the League of Women Voters have agreed to conduct joint candidate training, including any independent or non-partisan candidates, on city regulations regarding the posting of political signs (setback, size, placement and removal regulations).

We thought that we had reached agreement on a fifth point, that is, the raising of the cash bond deposit to \$200. After further discussion with the respective committees, we found there was no agreement on this point. It is the League's position that the cash bond deposit should be raised to such a level that encourages candidates to promptly remove their signs and more adequately offsets the costs of removing signs should they be misplaced or not removed in the time allowed.

We therefore request that the Planning Commission recommend to City Council that the proposed text amendment be denied, that the current regulations be better enforced, and that the cash bond be raised to reflect costs of enforcement.

On our part, we pledge to continue working on a candidate training program, which we hope may help reduce citizen complaints about badly placed signs.

Thank you for the opportunity to speak in support of an important kind of voter education.



TA-980006

From  
Kathy  
Conally  
9-7-98  
PChear

The following individuals (and groups) would prefer that the City of Alexandria enact no ordinance which would entirely prohibit posting political signs in public areas. We feel this infringes on the democratic process and gives an unseemly advantage to incumbent candidates. However we choose not, we prefer consider competitive elections to be in our <sup>best</sup> interests as citizens.

- ~~Howard~~ ~~Billis~~ ~~Wickman~~ ~~South~~ ~~Home~~ ~~Center~~ ~~On~~ ~~Line~~
  - Shirley Barringer (Down) College Park
  - Shirley M. Finkle SWQCIT
  - Jarsha Wiener
  - Judy Miller
  - Marguerite Long
  - Jeanne Lewis
  - Converse M. West
  - Greg Meyer
  - Ken V. [unclear]
  - Kenneth Gibbons
  - Ravi Hertel
  - Fokulines
- Delegate at Landmark  
 [unclear] Lane  
 Inver city  
 Inver city  
 Northwest Citizens Assoc.

**Alexandria Republican City Committee**  
3329 Duke Street  
Alexandria, Virginia 22314  
phone (703) 823-1801  
fax (703) 370-7095

---

April 28, 1998

Planning Commission  
City of Alexandria  
City Hall  
Alexandria, Virginia 22313

Dear Chairman Hurd and Members of the Planning Commission:

I was privileged to testify on behalf of the Alexandria Republican City Committee at your April 7, 1998 meeting on the subject of political campaign signs; and I welcome this opportunity to elaborate more fully the points addressed there, to respond to some of the questions you asked, and to report on subsequent developments.

At the initiation of the City Council, you are considering a measure to ban all political campaign signs, of any kind, at all times, and in all campaigns, from the public rights of way. This is an invidious and ill-conceived proposal. It would serve no public purpose that could not be far more effectively addressed through voluntary action, but it would do grievous harm to the electoral process in Alexandria and would erode the right of all candidates and their supporters to free and untrammelled political expression.

This proposal was first on the agenda for your meetings in March and April, but you deferred action pending the outcome of ongoing efforts of the League of Women Voters, the Alexandria Democratic Party and the Alexandria Republican Party to craft a unified position on this issue. Both of the parties and the League were shocked and dismayed that the Council would propose so severe a measure as a complete ban on political signs in public spaces, and we agreed to work together to try to persuade our government that far less Draconian measures could address whatever legitimate concerns there might be about how signs have been displayed in the past.

Those discussions have continued intensively within and among the three organizations to the present day. And while we are not aligned on every point, I am gratified to report that the League, the Democratic Party, and the Republican Party are in complete agreement on all of the fundamental issues.

First, we share an abiding conviction that the display of political campaign signs is an essential and central characteristic of the electoral process in Alexandria. Our City takes justifiable pride in its tradition of energetic citizen participation in the civic and political life of the city. Campaign signs encourage and exemplify that participation.

As the League has stated it:

... All of us feel strongly that political signs are an essential and effective way of informing voters that an election is coming and who the candidates are, both incumbents and newcomers.

Planning Commission  
City of Alexandria  
April 28, 1998  
Page Two

And after the Council's vote to initiate consideration of a ban, the Alexandria Democratic Party's "sign captain" wrote that:

At the least, signs alert voters to the coming election and create the festive air that is a part of the celebration of our political system. While irritating to some, the signs attract interest and alert voters to a coming election. Moreover, the sign campaigns involve volunteers in the political process, which is good for our society and our system of government.

The Alexandria Republican Party cheers the vigor and enthusiasm which Alexandrians bring to the political process, and the contest of signs during our political campaigns is a hallmark of that enthusiasm. Campaign signs are the most important means available to challengers and first-time candidates, who lack the recognition and campaign resources of incumbents, to put their names and candidacies before the public. Direct mail is many times more expensive, and paid media advertising is almost out of the question for most challengers.

Second, we are appalled at the proposal before you to prohibit these signs altogether in the public rights of way.

The League wrote to Council that it is

. . . deeply concerned that a ban on political signs in public rights of way is a hardship on both incumbent and non-incumbent candidates. . . . The prohibition on all political signs in public rights of way could dissuade newcomers from seeking elective office because they have had less time to build support among private property owners.

The Democratic sign captain wrote that

The implications of the proposed ordinance are a serious challenge to the basic right of freedom of speech, particularly political speech, and do damage to the essential character of the electoral process. . . .

and urged that

Government is all the people of the community working together. The citizens of Alexandria have elected you to use government to enhance the participation of citizens in our political and governmental processes in a manner which protects all citizens. To better regulate the use of public right of way signs is appropriate. To eliminate them is a disservice to the political process and to your responsibility as elected officials. I find it of interest that all the speakers about the issue during the Council session supported the continued use of signs. No one spoke against the continued use of signs in public areas.

Again, we are in complete agreement. A ban on campaign signs would be an overwhelming blow to candidates who otherwise lack the name recognition and resources to compete fairly for public awareness and consideration.

In the Mayoral and City Council campaign last spring, 6 of the 7 incumbents had campaign budgets of \$20,000 or more, with two approaching or surpassing \$50,000. Six of the eight challengers had budgets under \$10,000, three had budgets of \$2,000 or less. For the Council challengers, a ban on signs would have severely handicapped their campaigns.

Planning Commission  
City of Alexandria  
April 28, 1998  
Page Three

After extended discussion and debate, we recently voted to elect our School Board in Alexandria. For School Board candidates, even the Council challengers' \$2,000 campaign budgets might seem rich by comparison. For School Board challengers, a ban on campaign signs would be tantamount to a prohibition of their candidacy.

The Alexandria Democratic and Republican parties are not agreed on the time period during which signs should be permitted before an election. The Republican Party urges retention of the 90-day limit that presently governs local elections, and that is reflected in Virginia's rule for state elections; the Democratic Party might support a somewhat shorter period. But both parties and the League of Women Voters are in complete agreement that the present 90-day limit is far preferable to the proposal to ban campaign signs completely.

Third, we are agreed that a voluntary, cooperative initiative by the League and the two political parties to address citizen concerns about signs would be a preferable approach to addressing those concerns than the adoption of rigid new statutory restrictions--and we propose just such an initiative.

The Alexandria Republican Party, the Alexandria Democratic Party, and the League of Women Voters mutually pledge our best efforts toward a new program of training and orientation for candidates about the requirements of the City's political sign ordinance, the importance of strict adherence to those requirements, and techniques that candidates and their campaign workers might voluntarily employ to alleviate citizen concerns about signage, while not compromising their opportunity to call attention to their candidacy. First-time candidates, for example, or non-resident candidates whose electoral districts include part of the city, might not be familiar with the background and traditions of political signage here, nor familiar with our local regulations. A mutual effort by the League and the two party organizations could go a long way toward assuring continuity and consistency in the understanding of and adherence to our sign regulations in Alexandria, both for party-affiliated and for independent candidates.

Fourth, we are agreed that, concurrent with this voluntary effort to encourage compliance by and on behalf of candidates, we will support and cooperate in much more rigorous enforcement of the rules and regulations embodied in the present ordinance.

Several of the rules in the present ordinance relate to traffic safety, such as the limitations on size and height and on proximity of signs to intersections. There is every reason that these rules should be vigorously enforced: the right to place campaign signs does not confer a right to endanger the safety of our fellow citizens.

There is also a deadline for removal of signs after the election. At that point, the political speech purpose of the signs has passed, and the present rule affords a reasonable time period for their removal. It should be strictly enforced, and the parties and the League pledge their cooperation in that effort.

At the Planning Commission's previous meeting, the witnesses were asked for specific advice as to the enforcement methods that they would support. Representatives of the League and the two parties have subsequently met to discuss the question, both among themselves and with the staff of the Department of Planning and Zoning.

The Alexandria Republican Party proposes a strong new initiative for candidate training and education, coupled with vigorous enforcement of the present ordinance, and has submitted for discussion with our colleagues a specific, multi-point proposal for such an effort; a copy is attached for your information.

Time Limitations

The Alexandria Republican Party opposes new restrictions on the period of time during which campaign signs may be displayed.

(1) Before the Election

60-day Limit. The present ordinance permits display of campaign signs no earlier than 90 days prior to an election. Some have suggested substantial reduction in that time period; but we believe that such reduction would needlessly restrict this essential category of political speech while not substantially affecting the expressed concern about proliferation.

One alternative that has been suggested is a 60-day limit. The greatest number of candidates, and thus of political signs, occurs only once every three years, when we elect a Mayor, six Council members and nine School Board members in early May. A 60-day rule is hardly necessary for that election, because few if any candidates see any advantage in erecting their signs as early as February anyway.

In the fall general election, however, a 60-day rule would truncate the traditional campaign cycle and would work a hardship on those candidates most dependent upon campaign signs, and on the volunteer campaign workers who erect them.

The traditional campaign season for the fall election, here as in most of the United States, begins with the Labor Day weekend. Families are returning from summer vacations, working people are celebrating the holiday, and many are attending campaign kick-off rallies for their favorite candidates. The present ordinance makes it possible for candidates to call on their young volunteers to put up their signs during the last week before they go back to school. But a 60-day limit would prohibit the posting of signs on or before Labor Day in five years out of seven.

30-day Limit. When the Council first took up this issue, it invited comment on a 30-day limit for campaign signs. That would work an even more severe hardship on underfunded and relatively unknown candidates.

It would also do particular damage to the efforts of the League and of both parties to encourage new residents of our City to register and vote.

Under Virginia election law, a new resident must register no later than the 30th day before the election, in order to be eligible to vote. If we said that signs could be posted no earlier than the 30th day before the election, we would in effect be saying to new residents: "Sorry, but your participation is not important to us. Don't bother to look for campaign signs that will alert you to the fact that there's an election coming and who the candidates are--because by the time you see the signs, it will be too late for you to register and vote."

Conversely, it is not clear that a limitation to 60 or even to 30 days would have any substantial effect on the proliferation of campaign signs. Many candidates are of the view that too many signs, placed too early in a campaign, may lose their effect; they deliberately choose to place their signs closer to the election. The greatest profusion of signs occurs in the last two or three weeks of the campaign--and that phenomenon would not be affected by a 60- or 30-day limit.

(2) After the Election

7-Day Limit. Some respondents have suggested a 7-day limit for removal of signs after an election, coupled with a significant increase in the bond to be forfeited if the deadline is not met.

We believe that such strict new limitations would be especially burdensome on first-time challengers, independent candidates, and School Board candidates, who typically lack the large campaign staffs to place and remove signs and the resources to absorb the loss if the bond is forfeited.

A 7-day limit would allow only one weekend after the election in which to remove signs. If a candidate has lost—which is often the case for a first-time challenger—it may be all the more difficult to energize his or her small corps of dedicated but demoralized volunteers to get out four days after the election, on a cold and rainy November Saturday, to remove all the signs.

The present time limit extends through the second weekend after the election and provides a more reasonable opportunity for all candidates to comply. We would hope, in fact, that all candidates would be encouraged (with the League's and the parties' help) to remove their signs as quickly as possible after the election, as discussed in our proposal on education and enforcement. But that should be accomplished so far as possible by voluntary action and sensitivity to our fellow citizens' concern, rather than through the imposition of a substantial risk of forfeiture.

Increased Bond

The League and the two parties have not reached agreement as to whether there should be any increase in the bond to be forfeited for failure to comply with the deadline for removal of signs—and if so, to what level. The League has suggested that the cash bond should be increased "to such a level that encourages candidates to promptly remove their signs and more adequately offsets the costs of removing signs should they not be removed in the time allowed"; and we understand that the Democrats believe that a bond of \$200 would be more effective.

The Alexandria Republican Committee urges that there be no increase in the bond. We believe, on the one hand, that our mutual effort with the League and the Democratic Party to encourage voluntary compliance can do much more to address this concern than could a punitive measure in the ordinance. Conversely, while forfeiture of a \$200 or \$300 bond (as some have suggested) might not seem excessive in relation to an incumbent Councilman's \$40,000 or \$50,000 campaign budget, it could work a severe hardship on the challenger or School Board candidate whose total campaign budget is \$1,000 or \$2,000.

Also, many candidates in Alexandria are running for election from districts that encompass parts of other jurisdictions as well (for example, the 46th Delegate District, which includes a portion of Fairfax County as well as the east side of Alexandria). Such candidates are already burdened by the requirement to acquire permits and post bonds in multiple jurisdictions; a doubling of the Alexandria bond would further impair the opportunity for citizens with limited means to run for public office.

### Limiting the Number of Signs

At your previous meeting, comment was invited on the possibility of limiting the number of signs that a candidate would be permitted to display in a given area.

Such a limitation would, to be sure, address the concern that some of our neighbors have expressed about the profusion of signs during campaigns. But we believe it would pose an almost impossible burden of enforcement, and could not help interposing the government's judgment for the candidate's as to where and how he might most effectively deploy his campaign signs to reach the electorate, within the general rules provided in the ordinance.

As a practical matter, the limited campaign staff and financial resources typical of challengers, first-time candidates and school board candidates already impose an effective limitation on the number of signs they are able to deploy; and we would hope that the volunteer education and training program that we have proposed would help to persuade candidates that their most effective use of signs will be achieved if they are not concentrated in a small area.

Finally, it should be noted that the very large number of signs which may have led to the present proposal occurs only once every three years. In the spring of every third year, we elect a Mayor, six City Council members and nine School Board members; if there are multiple candidates for most or all of those offices, there may be almost 30 candidates running for public office in Alexandria at the same time, as there were last spring.

That concentration is very unusual, however. In contrast to the 16 offices to be filled once every third year, we usually elect no more than two or three offices at a time (as in our election of one Member of Congress in 1998, and a State Senator and two Delegates in 1999). The unusually large number of signs we experience in one general election out of four may be a reasonable price to pay for our privilege of electing not only our local government, but also our local school board.

### Protecting Freedom of Expression

We urge you to consider the First Amendment right of free speech as central to your consideration: not just the letter, but the spirit of that doctrine: not just as a matter of law, but as the core principle of the kind of public policy that Alexandria would be proud to be associated with.

All public servants in our Republic begin their terms of office by swearing a solemn oath to "preserve, protect and defend the Constitution of the United States" . . . and that must certainly include a responsibility to do their utmost to preserve our free speech. Campaign signs are a fundamental part of our political speech. They have been part of our political discourse from the beginning of our Republic, and before.

The First Amendment guarantees our freedom of speech, including most importantly, our political speech. The technicalities and exceptions may be intelligible only to the constitutional lawyers; but the central purpose should be crystal clear: it is the protection of the citizen's fundamental right to speak out on public policies, governmental issues, and political candidates, without fear that the government will seek to suppress or restrain or punish or silence that speech. Free speech is one of the inalienable rights guaranteed in the first article of our Bill of Rights; and it has been recognized as the foundation of all our other rights.

If we acknowledge that campaign signs are protected free speech, then we have a solemn responsibility to limit or regulate that speech no more than is absolutely necessary to meet an urgent, compelling governmental interest of overriding importance, which can be met in no other way.

The proposal before you--an ordinance to ban the posting of campaign signs in public rights of way--fails that test completely.

What is the urgent, compelling need? Traffic safety has been cited as one concern; but there has been no showing of any otherwise insurmountable harm or danger in permitting the display of campaign signs. There are no police reports, no accident reports, no other evidence in the record indicating that political signs have been implicated in any traffic accidents. The argument is based on supposition, not on demonstrated harm. And even if there were a serious and proven danger, it would not be necessary to ban campaign signs completely to avoid it. The City's legitimate concern for traffic safety can be met by vigorous enforcement of the present ordinance, as we have proposed. If safety is the concern, we should enforce the safety regulations--not abolish political signs.

The other argument noted in your staff paper is that some of our neighbors consider campaign signs to constitute "a visual blight"; and we must acknowledge that there are some among us who feel that way. But it would be a sad day for free expression in Alexandria if we were to outlaw completely a whole category of political speech because some among us find it unsightly.

Even the right to speak freely about political candidates and issues may not be an absolute; it must be weighed in the balance against other important societal interests. But free political speech, and the encouragement of citizen participation in our campaigns and elections, are of such fundamental importance to our democracy that they should be given overwhelming weight in any such consideration. Even the Alexandria Beautification Commission, in commenting on the proposals suggested by the Council last fall for discussion, dismissed the proposal to prohibit signs on any public space as simply "not reasonable."

A nearby Virginian, George Mason, was the greatest champion of the freedoms enshrined in our Bill of Rights. It was another great Virginian, Thomas Jefferson, who assured us that our democracy need fear nothing from robust debate, from the clash of ideas in the public marketplace. And yet another, James Madison, who warned us to guard against the temptation of the majority to grow irritated and impatient with dissent. And a more recent resident of Alexandria, Supreme Court Justice Hugo Black, who implored us to consider that, when the First Amendment says that "Congress shall make no law...abridging the freedom of speech," it means no law.

Please honor our city by honoring the spirit of these Virginians' great principles. Don't shame Alexandria by seeking shelter for limiting those principles. If Alexandria were to adopt the proposal before you--a ban on political campaign signs in the public rights of way--it would be the only jurisdiction in Northern Virginia, and perhaps anywhere in the state, to do so. Alexandria has been and should remain a leader in encouraging the broadest possible citizen participation in our government, not in discouraging political speech and involvement.

Alexandria's history of energetic citizen participation in the civic and political life of the city is one of our city's most cherished traditions. Surely this is precisely the kind of "robust, wide open debate" that Mr. Jefferson had in mind.

Don't look for a constitutionally defensible way to limit our free political speech. Look for ways to defend it, encourage it, and expand it--not to restrict it further.

The proposed text change before you would infringe our free speech and erode our proud tradition of citizen participation. It is not required in order to address the legitimate concerns that some of our neighbors have had about the past use and abuse of political signage. You have a reasonable and responsible alternative, in the proposal by the League of Women Voters and the Alexandria Democratic and Republican Parties to undertake a new program of candidate training and voluntary compliance, coupled with rigorous enforcement of the present ordinance.



Planning Commission  
City of Alexandria  
April 28, 1998  
Page Eight

The Alexandria Republican Committee urges you to reject the proposed ban on campaign signs and to support that joint proposal. We urge you to set aside action on any amendments to the ordinance until and unless there is a clear consensus that voluntary compliance has failed, and that such amendments are necessary, would be effective, and would not needlessly infringe our right of free speech or impair our political process.

Thank you for your consideration.

Respectfully submitted,



Michael E. Hobbs  
Chairman-Elect

April 27, 1998

Political Signs Ordinance: Enforcement and Compliance

At its April 7, 1998 meeting, the Planning Commission heard testimony that the Alexandria League of Women Voters, the Alexandria Democratic Party, and the Alexandria Republican Party agreed that there should be strict enforcement by the City of the current regulations regarding political signs, and that the League and the party organizations had agreed to conduct joint candidate training, including for any independent or non-partisan candidates, on city regulations regarding such signs.

The Department of Planning and Zoning requested further, specific advice as to the methods for enforcement of the political signs ordinance that the witnesses would support and recommend. (Director Lynn asked, for example, whether the parties would support removal of offending signs by city staff, and if so, what disposition should be made of removed signs.)

The following suggestions are offered for consideration.

Enforcement (Proposed)

- (1) The City should make a planned and deliberate effort to step up enforcement of violations of the political sign ordinance during the next election cycle.
- (2) At the beginning of each campaign, each of the party organizations should provide to the City a list of its candidates who expect to use signs in their campaigns, and the telephone contacts for the candidates and their campaign managers, in the event of violations; independent candidates should supply the same information.
- (3) Prior to each election campaign, the City should publish to candidates' and party organizations the precise dates on which signs may first be posted and before which they must be removed. The City should also publish a list or a schematic map indicating any streets, traffic channelization islands, etc., on which posting of signs is precluded under the regulations.
- (4) As a precondition to receiving a permit for the placement of signs, every candidate should be furnished a copy of the signs ordinance and the accompanying Guidelines, and should certify that he or she has read and understands the ordinance and Guidelines and will comply with them. The Guidelines should notify applicants that sign training seminars are conducted for candidates and their campaign staffs free of charge by the League of Women Voters, the Alexandria Democratic Party, and the Alexandria Republican Party, and should include the point of contact for those organizations.

42

- (5) Any signs placed in violation of any provision of the ordinance should be subject to removal and disposal by city staff (police and/or Department of Planning and Zoning). So far as practicable, the City should notify the candidate or party organization of apparent violations and advise that such signs are subject to removal and destruction by the City if not removed by the candidate within 24 hours.
- (6) Priority attention should be given to prompt removal of signs placed in violation of provisions of the ordinance relating to traffic safety--setback from intersections and the end of median strips, maximum height, traffic channelization islands--anywhere in the city, but especially in school zones.
- (7) The two party organizations and the League should volunteer their help to their respective candidates (and independent candidates, for the League) to assist the candidates' own campaign staffs in removal of signs as quickly as possible after the election.
- (8) Forfeiture of bond for failure of timely removal should be strictly enforced: there should be no "grace period" in policy or practice.
- (9) City staff are authorized to remove violating signs; but only city staff (and authorized agents of the candidates) are permitted to remove signs. City enforcement staff, police, and party organizations should be vigilant against vandalism, and report any apparent violation; removal of signs by unauthorized persons should be treated as theft and punished accordingly.
- (10) The City should assist in the educational program by publishing guidelines which clearly and unambiguously explain the ordinance, and should assist the League and the party organizations by providing technical advice for the design of the training program as requested.
- (11) Staff should prepare a report on violations at the conclusion of each campaign, indicating generally the number and kinds of violations that have been observed, and reporting any forfeiture of bonds, as a means of monitoring compliance and as an aid to refining the educational program.

Candidate Training Program (Proposed)

- (1) The League of Women Voters, the Alexandria Democratic Party, and the Alexandria Republican Party should collaborate on the design and implementation of a program to train all candidates who may wish to place campaign signs in Alexandria, and their campaign staffs, on the rules regarding the placement of campaign signs in the city, the reasons for those rules, the importance of strict adherence to the rules, and the consequences of noncompliance. A Steering Committee composed of representatives from each of the three organizations should be established to plan and oversee the program. City staff (e.g. Department of Planning and Zoning, Police) should provide technical assistance as needed; but the design and conduct of the program should be the responsibility of the three private organizations.
- (2) All candidates for offices elected in whole or primarily by Alexandria voters, their campaign managers, and their staff principally responsible for the placement of their signs, should be encouraged to participate in the program for the next full election cycle. Thereafter, candidates who have previously participated might elect to be represented by campaign staff.
- (3) While the three organizations should collaborate on the design of the training program, to encourage consistency, the League should take the lead in organizing and conducting the training for independent candidates, the ADP for Democratic candidates, and the ARCC for Republican candidates. To emphasize the nonpartisan importance of the program, the party organizations may wish to invite the League to participate in the conduct of their respective training programs for the party-affiliated candidates. City staff should assist as requested.
- (4) The training program should be revised as necessary to reflect experience--with particular emphasis on those areas where the city staff's reports indicate that violations are most frequent or troublesome.
- (5) The training program should include practical advice and suggestions on cost-effective means and methods that a candidate can employ to assure that his or her signs will be placed in strict conformity with the ordinance.

- (6) In conducting the training for its candidates, each party organization (and the League, for the independent candidates) may wish to supplement instruction on the strict requirements of the ordinance, by discussing with their candidates the value of civility and self-restraint in the placement of signs, and the damage to the candidate's campaign and to the political process generally if his sign campaign appears to be excessive or inconsiderate of the sensibilities of the voters and the value they place on a clean and attractive cityscape. The training program should include advice on the etiquette of campaign signs--such as the avoidance of patently offensive or defamatory material about other candidates, or the deliberate obscuring of other candidates' signs with one's own. Such efforts should seek so far as possible to alleviate citizen concerns about signage, but not to compromise the candidate's right of free expression and the opportunity to call attention to the upcoming election and to his or her candidacy.
  
- (7) While it is probably not practical to expect candidates for statewide or federal office to participate in Alexandria training sessions, the local party organizations should assure that such candidates' organizations are aware of the provisions of the Alexandria ordinance and the importance that Alexandrians attach to it.

Michael E. Hobbs  
Alexandria Republican City Committee  
(703) 548-5798

ALEXANDRIA LEAGUE OF WOMEN VOTERS

Testimony before Alexandria Planning Commission, May 5, 1998

I am Marilyn Doherty, speaking as Co-President of the Alexandria League of Women Voters.

Once again, we are talking about political signs in public spaces. Last fall, City Council voted for a ban on all such signs in public rights-of-way.

Over the past few months, the League of Women Voters has been discussing this issue with leaders of both the Democratic and Republican parties. We tried to come up with a joint plan to address complaints about signs without banning them altogether.

Let me speak for a moment about why we feel signs on the public rights-of-way are important.

If Alexandria allows political signs only on private property, that restricts this kind of political expression essentially to homeowners. In Alexandria, that is only about 40% of the population, some of whom live in condos where private restrictions may apply or where there may be no practical method of displaying a sign.

That would cut off about 2/3 of residents from having a political voice through this medium.

We think political signs are a relatively inexpensive way to inform the public, particularly for new candidates. Limiting signs to private property unduly favors incumbents, ~~who have had one~~ or more terms to enlist individual supporters.

Also, relatively few homeowners live on the major streets with medians where ~~most signs are~~ posted. Privately placed signs may influence and alert neighbors but are not seen by hundreds of passersby as are signs on Commonwealth or Duke St.

So we think that in the interest of basic fairness to all candidates, particularly new ones, and to alert the greatest number of voters of a coming election, some provision for signs in public areas is very necessary.

The League and the two parties could not agree on any shortening of the 90 day period for sign display or the 15 day period for removal. Since voter registration ends 29 days before an election, we all agree that the sign period must be long enough to alert voters to register.

When we met with Mr. Lynn and Ms. Ross of the Planning Department, we concluded that the city already does a good job of enforcement. When the city receives only 5 complaints per election, finds many of the signs complained of actually meet requirements, and is able to bring about swift compliance on the rest, we can have little cause for complaint about enforcement.

Our final joint suggestion was to develop a candidate education program about sign placement. The idea is to draw up a set of expanded materials to be used by parties and by the League (for

independent or non-partisan candidates) to address some of the problem areas.

Apparently, though the League has no documentation, sign complaints are often made to parties, candidates and elected officials, and may not reach the enforcement agency. The complaints we are told of seem to come from two groups, those desiring no signs at all, and those complaining of too many signs.

With the "no sign" group we have a basic and strongly held philosophical difference—we do believe political signs in public places have an important informational function.

We think we can jointly address the "too many signs" complaint through candidate education—if candidates understand they offend potential voters by over-signing, they may be more restrained. Some candidates voluntarily limit the time their signs are posted—that too may win voter appreciation.

But when the number of signs is primarily because of the number of candidates running, then the signs reflect a vigorous democracy and must be applauded. I hope never to hear Alexandria listed among Virginia municipalities—22 this election cycle—which have too few candidates to fill the offices.

*time limits*  
We ask you to recommend denial of the changes in the sign ordinance. We undertake to work as we have outlined to reduce occasions of complaint in future.

Alexandria League of Women Voters,  
12 W. Mt. Ida Ave.,  
Alexandria, Va. 22305,  
May 14, 1998.

16  

---

5-16-98

Honorable Mayor and Members of Council,  
City of Alexandria,  
Alexandria City Hall.  
BY HAND

Dear Mr. Mayor and Members of Council:

Re: Item 16--Text Amendment to Ban Political Signs in Public Rights-of-Way

Political signs provide a valuable informational function for the city's voters. They are particularly useful for new candidates, who usually need to reach many voters with fewer resources. They also remind potential voters to register or update their registrations before an election--and we note that registration books close 29 days before any election.

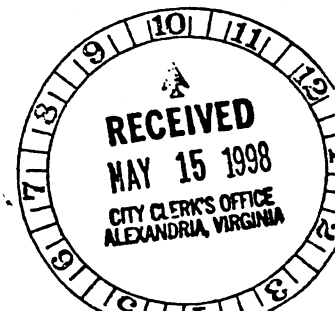
Restricting signs to private property in a city where only 40% of residents are homeowners tends to direct important political information to private property-owners, not to renters, excluding large areas of the city.

League Co-Presidents Ginny Hines and Marilyn Doherty met several times with the leaders of both the Democratic and Republican parties. We hoped that we could bring to you a joint position that would address some of the complaints that Council members have received on this issue.

The three key components of the current law are the time limits--90 days before an election, 15 days after an election, and the \$100 cash bond. The two parties and the League could not agree on any shorter time periods, nor could we agree on any change in the bond.

The League, therefore, which had taken a position that the bond should be increased to reflect the costs of enforcement, can speak only for itself regarding the increase to \$250 as suggested by the planning staff and endorsed by the Planning Commission. We think the increase is appropriate and should also be supported by City Council.

The parties and the League did agree that increased enforcement and a joint candidate education program might alleviate some concerns. Subsequently Mr. Smedberg, Mr. Hobbs and Ms. Doherty met with Ms. Ross and Mr. Lynn from Planning and discussed the enforcement efforts. We heard that the department receives only about 5 complaints per election, and that on investigation many signs complained of are legally placed while the remainder are promptly fixed. On the basis of that information it appears the department is appropriately enforcing the ordinance.





There remains our agreement to undertake a joint program to educate candidates about sign placement. This would consist of jointly pulling together an expanded set of materials stressing the importance of the regulations, of maintaining a tidy appearance for the citizens of Alexandria, and explaining some of the terms that have been misinterpreted in the past. This set of materials would be used by each party to inform its candidates, and the League would undertake to inform independent and non-partisan candidates. While this is outside the scope of the ordinance, we present this as a joint voluntary commitment, which we hope would reduce complaints.

We urge you not to ban signs from public rights-of-way.

Sincerely,



Ginny Hines, Co-President



Marilyn Doherty, Co-President

Alexandria League of Women Voters

cc Mr. Michael Hobbs  
Mr. Paul Smedberg

STATEMENT OF MICHAEL E. HOBBS  
Alexandria Republican City Committee  
for the  
Alexandria City Council  
May 16, 1998

16  
5-16-98

EXHIBIT NO. 3

Political Campaign Signs

Mayor Donley, Vice Mayor Euille, and Members of the Council, thank you for this opportunity to speak to the political signs issue. My name is Michael Hobbs; and I am here on behalf of the Alexandria Republican City Committee.

Since you put this question before the community for discussion six months ago, the League of Women Voters, the Alexandria Democratic Party and the Alexandria Republican Party have met several times in an effort to craft a reasonable alternative to the proposal to ban campaign signs completely from the public rights-of-way. We have reached agreement on four fundamental points.

First, we share an abiding conviction that the display of political campaign signs is an essential and central characteristic of the electoral process in Alexandria. Our City's tradition of energetic citizen participation in civic and political life should not be curtailed; it should be preserved and encouraged to the maximum extent possible.

Second, we agree that the proposal to prohibit these signs altogether in the public rights of way is unwarranted and unnecessary, and should not be adopted.

Third, we believe that a voluntary, cooperative initiative by the League and the two political parties to address citizen concerns about signs would be a much better approach to addressing those concerns than the adoption of rigid new statutory restrictions--and we are earnestly and genuinely committed to just such an initiative.

Fourth, we are agreed that, concurrent with this voluntary effort to encourage compliance by and on behalf of candidates, there should be strict enforcement of the rules and regulations embodied in the present ordinance.

Ms. Doherty could not be here to testify in person this morning, but you have a letter from League Co-Presidents Ginny Hines and Marilyn Doherty on these points, and I could not improve on their statement.

I want also to report that the Alexandria Republican Committee met last week to review our own position and the action of the Planning Commission. Heretofore, we have differed from the League and the Democratic Party on the question of increasing the bond from the present \$100 level. But we applaud the Planning Commission for its conclusion on the central question, that the opportunities for free political expression by all candidates, including those of limited means or political experience, should be protected and preserved. And while we are concerned about the impact of raising the bond, we were afforded a full and fair opportunity to make our argument to the Commission, and we understand and respect its conclusion. The Commission's

recommendation, taken in its entirety, is a reasonable and responsible compromise, and the Alexandria Republican Committee urges that the City Council adopt that recommendation.

The Planning Department has pointed out that if they were asked to act as a kind of "political sign police," scouring the city in search of violating signs, the cost of enforcement would be disproportionate to the scope of the problem. That is a legitimate concern. We believe the staff has enforced the ordinance fairly and sensibly in the past, by first calling on the party committee or candidate to correct any apparent violation. As we understand the Planning Commission's recommendation, it would not preclude that common-sense approach in the future, and that approach would keep the City's enforcement costs to a minimum: the burden of compliance would rest first and foremost on the candidates themselves, as it properly should.

\* \* \*

A ban on campaign signs in the public rights of way would limit this important form of political expression to the relatively few among us who have the good fortune to own single family detached dwellings with private, grassy yards. Curtailing the permissible time period would work the greatest hardship precisely on those minority party, independent and other candidates whose campaigns are most dependent upon this affordable means to put their names and candidacies before the public. It would be especially ironic, and tragic, if we were to restrict or abolish this most cost-effective campaign tool so soon after we decided to move to an elected school board, with the hope that we could bring to that election the same citizen involvement, diversity and public accountability that have characterized our City Council elections. And at the extreme, curtailing the time period could undermine the efforts of the League and the political parties to encourage new residents and newly eligible young people to register and vote.

We urge you to adopt the compromise position that has been unanimously recommended by the Planning Commission.

Thank you for your attention, and for your thoughtful consideration of this important question.

Sent to CC,  
Planning  
PF 5/16

February 26, 1998

16  
5-16-98

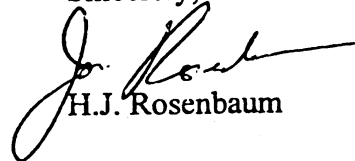
Mayor and Members of City Council  
City Hall  
Alexandria, VA 22314

Dear Mayor and Members of City Council:

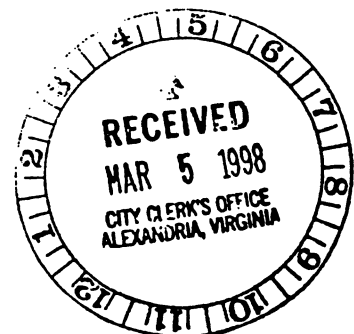
Just as you are considering the future of campaign posters on public property, it is ironic that a much greater problem has arisen -- real estate signs. In recent months, a large number of posters pointing the way to new subdivisions have been placed along our roadways. Duke Street and Washington Street (even on Parkway land), in particular, have sprouted these signs. The signs are not removed after the week-end (past practice) but are placed permanently. With this development, there is little point in debating the trade-offs between democracy and visual pollution as they relate to political posters. Clearly if we are going to have real estate signs all year round, then there is no purpose served in preventing political signs from joining them periodically. That said, I believe we already have a sign ordinance that regulates real estate posters. But it is not being enforced. Likewise, a political sign ordinance that will not be enforced will serve no purpose.

I find the campaign signs unsightly and would prefer they be restricted. But at least these signs have the avowed purpose of serving the community's interest in stimulating democracy. This cannot be said for the real estate posters.

Sincerely,

  
H.J. Rosenbaum

421 North Saint Asaph Street  
Alexandria, VA 22314



Docket Item # 16  
TEXT AMENDMENT 98-0006

Planning Commission Meeting  
April 7, 1998

**CASE:** TEXT AMENDMENT 98-0006  
POLITICAL SIGNS IN THE RIGHT OF WAY

**ISSUE:** Consideration of an amendment to Section 9-201(A)(10) (Political Signs) of the Zoning Ordinance to prohibit the placement of political signs in all public rights-of-way in the City. Staff: City of Alexandria, Department of Planning and Zoning.

---

**PLANNING COMMISSION ACTION, MARCH 3, 1998:** On a motion by Mr. Wagner, seconded by Mr. Leibach, the Planning Commission voted to defer the text amendment. The motion carried on a vote of 6 to 1, with Mr. Dunn voting against the motion.

**Reason:** The League of Women Voters requested that the matter be deferred so it could continue its work to achieve a compromise regulatory scheme for political signs. A majority of the Commission agreed and noted that the public hearing was not closed.

**Speakers:**

Marilyn Doherty spoke on behalf of the League of Women Voters and requested a deferral of the text amendment.

Liebel Hobbs spoke in opposition to the prohibition of political signs on the right of way.

Lois Kelso Hunt spoke in opposition to the proposal and suggested a reduced period for signs of 30 days.

Katy Canady spoke in favor of a deferral.

Pat Butler spoke in opposition to the text amendment.

Paul Hertel spoke in opposition to the text amendment and suggested a sign period of 60 days.

Ken Wolfe spoke on behalf of the Alexandria Republicans and in opposition to the text amendment.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission consider whether to recommend approval or denial of the following text amendment:

**ARTICLE IX: SIGNS, MARQUEES AND AWNINGS**

**Sec. 9-100**     **General provisions.**

**Sec. 9-102**     *Definitions.* For purposes of this Article IX, the following words and phrases shall have the meanings ascribed to them below, unless the context otherwise indicates:

~~(H.1)~~         ~~*Street median.* A defined area of the public right-of-way located between traffic lanes, usually elevated and narrow, which follows the course of the roadway to separate traffic moving in the same or opposite directions.~~

~~(H.1)~~         ~~*Traffic channelization island.* A defined area of the public right-of-way located in a roadway to confine specific movements of traffic, usually turning movements at an intersection, to definite channels.~~

**Sec. 9-104**     **Prohibited signs, marquees and awnings and exceptions.**

**Sec. 9-104(E)** *Signs, marquees and awnings encroaching upon a public right-of-way.* No sign, marquee or awning, or any part thereof, or any part of the foundation or support thereof, may be erected or displayed on, over or across any street, road, highway, alley, sidewalk or other public right-of-way, unless an ordinance authorizing such encroachment has been enacted by city council; provided, however, that any banners authorized pursuant to section 9-104(F), ~~political signs authorized by section 9-201(A)(10),~~ signs, marquees and awnings specifically authorized by city council in a commercial zone for up to ten days under section 9-202(A)(5), signs in a commercial zone authorized by section 9-202(B)(4) and curb signs shall not be subject to this section 9-104(E).

**Sec. 9-200**     **Signs, marquees and awnings permitted in various zones.**

**Sec. 9-201**     *Residence and mixed use zones.* The following signs, marquees and awnings only may be erected and displayed in any residence and mixed use zone so long as they comply with all other applicable requirements of this Article IX.

## Sec. 9-201(A)(10)

~~Political signs, only on private property, or within that portion of the public right-of-way adjacent to a street, road, highway, alley or sidewalk the surface of which is grass, provided, however, that no political sign may be placed (i) within the public right-of-way of Washington Street or the George Washington Memorial Parkway, (ii) within 15 feet of any point at which the curb or curb line of any two intersecting streets meet, (iii) within 15 feet of the end of any street median, or (iv) within any traffic channelization island. Any political sign erected or displayed on a public right-of-way shall be free standing, shall have no part extending more than 42 inches above ground level, and shall be supported by no more than two supports, each support having dimensions of no more than one inch by two inches. No political sign may be erected or displayed on private property without the permission of the property owner or the lawful occupant of the property. Prior to the erection or display of any political signs, except those on private lots, a cash bond in the amount of \$100.00 shall be deposited with the city manager, which bond shall be conditioned upon removal of all signs within 15 days after the announced results of the nomination or primary or general election to which the signs pertain. If the signs are not removed within this time, the bond shall be forfeited to the city, and the proceeds may be used by the city to defray the cost of removing the signs. No political sign may be erected or displayed more than 90 days prior to the nomination or election to which it pertains. Successful candidates in nominations or primary elections may continue to display their signs during the interval between the nomination or primary and the general election without posting any additional bond, except where the interval exceeds 90 days.~~

## DISCUSSION

This text amendment is the result of a referral made on November 15, 1997, from City Council to the city attorney, requesting the preparation of a text amendment to prohibit all political signs in the public rights-of-way in the City. The referral followed a public hearing on the placement of political signs in the City's public rights-of-way.

Section 9-104(E) of the Zoning Ordinance generally prohibits all non-governmental signs in the public rights-of-way. However, an exception is made for political signs, along with a few other types of signs.<sup>1</sup>

Section 9-102(Z) of the Zoning Ordinance defines a political sign as "[a]ny sign addressing the candidacy of one or more persons for elective office." Currently, section 9-201(A)(10) of the Zoning Ordinance permits the placement of political signs in the grass surfaced portions of the public rights-of-way, except (i) on the George Washington Memorial Parkway, (ii) within 15 feet of an intersection, (iii) within 15 feet of the end of a median strip, or (iv) on a "traffic channelization island." Section 9-201(A)(10) also prescribes the maximum height of political signs in the rights-of-way and the maximum size and number of mounting stakes to be used, limits the period during which political signs may be displayed in the rights-of-way to 90 days prior to the pertinent nomination or election, and requires the posting of a \$100 cash bond to secure removal of the signs within 15 days after the nomination or election.

At the December 15, 1997, public hearing, council heard testimony that the proliferation of political signs at certain intersections in the city during the past council/school board campaign period was so distracting to motorists as to be a safety hazard, and that the proliferation of signs throughout the city generally constituted a visual blight for the duration of the campaign period. Council also heard testimony that these signs were a principal, and affordable, means of political discourse, especially for non-incumbents, and that the proliferation of signs evidenced a vibrant spirit of civic interest and activity in the city.

At the conclusion of the public hearing, council voted to proceed with consideration of an amendment to the Zoning Ordinance to prohibit all political signs in the public rights-of-way. The proposed

---

<sup>1</sup> Other signs permitted in public rights-of-way are (i) signs for which an encroachment ordinance has been approved by council, (ii) temporary (10 day) banners across a street or alley that have been approved by council or the city manager, (iii) signs projecting no more than four feet from the face of a building, if at least eight feet above a sidewalk or 14.5 feet above an ally, and (iv) street address numbers painted on curbs.



amendment accomplishes this by repealing so much of Sections 9-104(E) and 9-201(A)(10) as allow such signs, and repeals two definitional sections pertinent only to political signs in the rights-of-way.

Under current law, political signs may be displayed on private property in any zone, without limitation as to time or size, if authorized by the owner or occupant of the property. In addition, signs containing non-commercial copy, including "political" copy (e.g., signs announcing support for a particular cause or party), may be displayed indefinitely on private property in any zone, subject only to the requirement that such signs comply with the size and location requirements for the largest sign permitted on like property in the zone. See Section 9-105(A)(1). Thus, for example, at a private residence, a non-commercial copy sign no larger than 24 square feet (the size of the largest permitted sign that for a contractor working at the residence) may be displayed for a length of time equivalent to that typical of contractor signs, i.e., several months. See Section 9-201(A)(4). The proposed amendment makes no changes to the regulations applicable to either political or non-commercial copy signs on private property.

STAFF: Sheldon Lynn, Director, Planning and Zoning; Barbara Ross, Deputy Director, Planning and Zoning; Ignacio B. Pessoa, Assistant City Attorney

Attachment: Docket Item No. 9, November 15, 1997.

6  
5-17-03



"Mary Strawn"  
<mstrawn@werf.org>  
05/05/03 01:37 PM

To: <beverly.jett@ci.alexandria.va.us>  
cc:  
Subject: Public Hearing Scheduled to Discuss Political Sign Regulations

Ms. Jett:

As a resident of the Rosemont neighborhood of Alexandria, I am appalled at the lack of regulation and/or enforcement of codes for the placement of political signs on public property. Any green space that can be used for one or more signs is littered with them. It really and truly looks terrible. Additionally, it discourages me from voting for the most flagrant offenders, and I really shouldn't have to worry about such a petty issue clouding my views on the election.

A particular blight in my neighborhood is the medians along Commonwealth Avenue. These areas are not only full of the signs, but as a direct result are prevented from being maintained properly, so grass and weeds are now over a foot high in places. Enterprising individuals have obviously mowed around the signs that they feel most strongly about, giving the overall appearance for some of these medians of a butchered haircut by a careless mother. I doubt when the elections end that the candidates and their supporters will come around to collect the signs, leaving the taxpayers with the burden of paying for their removal.

Please register my dissatisfaction with the current methods of regulating this practice. I was unable to find any reference to it in the City Code, so perhaps Arlington County can serve as a model for Alexandria. Although you can still find signs there to a certain extent, the practice is strongly discouraged and citizens are allowed to remove signs placed on public property inappropriately. This keeps the overall numbers very low and keeps their green spaces green.

Mary Strawn  
305 Mt. Vernon Ave.  
22301

6  
5-17-03



"Brands, William"  
<WBrands@usaid.gov >

05/05/03 09:02 AM

To: "'beverly.jett@ci.alexandria.va.us'"  
<beverly.jett@ci.alexandria.va.us >

cc:

Subject: Political Sign Regulations

I was delighted to learn of the May 17 public hearing. While I won't be able to attend, I do want to comment. I reside at 2212 King Street. Alexandria is such a beautiful city during the spring. However, the multitude of political signs has made it look more like a used car lot. These same politicians, who will make the regulations to keep our city clean, are the exact ones most polluting it. Shame on them!  
William Brands



"Nat Benchley"  
<nrbench@mindspring.com>

To: <beverly.jett@ci.alexandria.va.us>  
cc:  
Subject: Signage:

05/02/03 01:14 PM

6  
5-17-03

**To The Alexandria City Council:**

**Where does Free Speech collide with Clutter?**

**It's all well and good and democratic to allow candidates and their staff to put up "Vote For..." signs prior to an election.**

**But there really ought to be a limit to how many of the exact same sign can be put in public spaces within a certain proximity to each other. That becomes eye garbage (and -as if the candidates cared- makes their message less appealing).**

**And AT THE VERY LEAST all campaigns should be responsible for taking down the signs they so avidly put up within a prescribed time period after the election. Leaving them up is littering.**

**Please attend to this in a timely fashion. We are approaching a national election year, and the campaigns are getting longer and longer. I would hate to see Alexandria sullied for the better part of 2004 because we didn't have the fortitude to regulate the clutter.**

**Sincerely, -Nathaniel R. Benchley  
Resident of Westridge**

60



"joyce m. dexter"  
<joycemcd@erols.com>

05/02/03 11:30 AM

To: <beverly.jett@ci.alexandria.va.us>

cc:

Subject: proliferation of political signs

6  
5-17-03

Dear Ms. Jett:

Although I'm unlikely to be able to attend the public hearing on this issue, I would like to put my two cents' worth in:

I'm all for free speech, but do we really need a dozen signs saying "Vote for So-And-So" on ONE MEDIAN STRIP? For the SAME PERSON? On consecutive median strips?

Unsightly though this practice is, there's probably no way to force candidates to limit their postings to one sign per area (too hard to determine and define the size of an area and to enforce such a restriction). So for my money, I guess I'm willing to put up with it for the limited campaign period, but I do think candidates should be responsible for collecting and disposing of the signs after the election, and they should be fined if the signs are not picked up within a reasonable period of time.

I would appreciate your ensuring that this perspective is circulated to the appropriate audience.

Thanks -

Joyce McDowell Dexter  
5600 Harding Avenue  
Alexandria, VA 22311-5728  
(703) 820-6639

6/

6  
5-17-03



nick kuhn  
<nkuhn98@yahoo.com  
>

To: <beverly.jett@ci.alexandria.va.us>  
cc:  
Subject: POlitical Signs in the City

05/02/03 11:16 AM

Ms. Jett-

I would like to voice my strong opposition to political signs anywhere in the city. Alexandria does not allow any other signs to be placed throughout the city. Why are political signs allowed?

It is dangerous to drive around the city with the overabundance of political signs. The signs are distracting, they are asthetically displeasing and the money that is spent for these signs is outrageous. Someone's name on a sign tells nothing about what they stand for, what issues they believe in and how they will represent the citizens of Alexandria. Instead of plastering their names all over our communities, the politicians need to get out and meet the voters and get to know the people they want to represent.

Thank you very much

Nick Kuhn  
3157 N. Rosser St  
Alexandria, VA 2311  
703-671-5225

---

Do you Yahoo!?

The New Yahoo! Search - Faster. Easier. Bingo.

62

6  
5-17-03



"EGHJ"  
<edward.hamborsky@ve  
rizon.net>

05/01/03 10:07 PM

To: <beverly.jett@ci.alexandria.va.us>  
cc:  
Subject: COMMENTS ON PUBLIC HEARING ON THE ISSUE OF THE  
PROLIFERATION OF POLITICAL SIGNS

FROM: Edward Hamborsky, Jr.  
142 Jasper Pl & 2-202 Canterbury Square  
Alexandria, VA 22304-4906

Dear Council Members:

I am opposed to the placement of political signs or any type of signs on grassy areas adjacent to sidewalks, in median areas in the middle of roads, and other areas on public property for safety reasons first and aesthetic reasons second.

My reasons for this are threefold:

1) Many years ago, an election sign and its wood stick support, that were placed in the median strip directly in front of the Beatley Library (it was the Sizzler restaurant at the time), tipped over onto the road just as I was driving my car along Duke Street. I could not avoid the sign and my car tires ran over the wood stick post, which caused a thunderous noise in the underbody of my car. Had I not seen the sign falling down almost immediately prior to running over it, I would have been taken by surprise and quite possibly might have lost control of my vehicle;

2) In years past, this year has seen marked improvement, election signs were placed directly on the corners of key intersections in the city (in the crevices between the concrete sidewalks and concrete curbs), practically abutting the road itself. It was nearly impossible for me to see left and right side oncoming vehicles because the signs blocked my visibility, this was especially true of the Van Dorn Street and Edsall Road intersection, where a slight a slight hill exists adjacent to the Texaco gasoline station along Van Dorn Street at its intersection with Edsall Road. I had to practically pull three feet onto Edsall Road in order to make a safe right turn, and then at the risk of a collision;

3) Finally, there seems to have been a proliferation of paper signs within the past year in the city and the election signs just increase the clutter. For example, Cameron Station along Duke Street had signs advertising condos for sale, the Parc View apartment building along Holmes Run Parkway has signs along Holmes Run Parkway advertising rent specials, the Reserve at Eisenhower apartment complex along Eisenhower Avenue has signs along Eisenhower Avenue advertising rent specials. The signs placed in the just mentioned areas appear to be continuous too, old and missing signs are promptly replaced with new signs. Many small businesses place paper signs adjacent to their buildings too, from barbershops to nail salons. These are ad hoc signs, up one day and gone the next. A good thunderstorm or strong wind usually knock the signs over and they are blown everywhere, and left to rot. Who is responsible for the disposing of strewn signs? Does not the litter law cover this type of material?

In sum, the annual political signs and perennial commercial signs placed on public property are safety hazards because they block the road views and they contribute to the litter problem in the city because there does not seem to be any regulation requiring their appropriate disposal.

Sincerely,

63

Edward Hamborsky, Jr.

---

Outgoing mail is certified Virus Free.  
Checked by AVG anti-virus system (<http://www.grisoft.com>).  
Version: 6.0.476 / Virus Database: 273 - Release Date: 4/24/03





"Jack Welsch"  
<jack\_welsch@hotmail.com>

To: <beverly.jett@ci.alexandria.va.us>  
cc:  
Subject: Political Sign Regulations Comments

05/05/03 12:06 PM

6  
5-17-03

I am writing to comment in support of regulating political signs in the public right-of-way. These signs are a nuisance and should be banned. In addition to being eyesore's, they can also be dangerous when they block visibility of pedestrians and drivers. Furthermore, they serve almost no purpose. Has anyone ever changed their mind about who to vote for based on one of these signs?

Thank you,

Jack Welsch  
305 Mount Vernon Avenue

---

Help STOP SPAM with the new MSN 8 and get 2 months FREE\*  
<http://join.msn.com/?page=features/junkmail>

65

6  
5-17-03

May 9, 2003

Honorable Members of Council:

Welcome back to the incumbents who were re-elected this year. To those who are leaving, thank you for your service to the city—you will each be missed.

On the issue of campaign signs, I have long held the view that the right to place signs in the public right-of-way should be controlled by a deposit system. Any candidate wishing to do so will pay a deposit of one dollar per sign placed, and a sticker or some other means attached to the sign will identify the paid deposits. City personnel have the right to remove any signs not bearing evidence of a paid deposit. After the election, candidates have some fixed time period (perhaps two days) to remove the signs and collect deposit refunds for returned signs. After the designated time period, any organization wishing to collect the deposit, such as scout troops, civic associations, and school groups, can remove the signs. Because it is a deposit system, it does not affect campaigns with limited resources, as they would simply have to apply some extra effort to get the signs cleaned up quickly so they could recoup their advance deposit. Of course, some shrinkage would occur, as a result of damaged or destroyed signs, and the remaining deposits could be passed on to TE&S as recompense for the additional litter generated by the campaigns, or to a general campaign fund. The overall effect of this policy would be to reduce the number of signs and speed up the cleanup. It would also provide a fundraising opportunity for cash-strapped organizations if the campaigns did not do their own cleanup.

Another issue I ask you to consider, only remotely related to this one, is that of recorded campaign phone calls. You should know that I hang up the phone anytime a machine has placed a call to my home. I'm not sure how these calls can be effective, since it is so easy to hang up on a recording. I must have received at least fifteen of these calls during this campaign, with no regard to convenience, time of day, or whether I was even home. Several calls filled up my answering machine while I was away on a business trip, making it difficult for my friends and business associates to leave messages. This practice is rude and intolerable. As far as I know, I am on a "do not call" list with the Direct Marketing Association, so these calls may also be subject to civil penalties. It appears that because I am a frequent voter and active in the community, I am penalized with more calls than my less-active neighbors are. I even received calls from the campaign on which I volunteered, and then a few minutes before the polls closed on election day. While civil means of redress will remain an option, my power is with my vote, and in the next election, I will not vote for or support any candidate using this means of communication. I do hope that you will consider eliminating these calls as a matter of election rules in the future.

My congratulations, though, to all candidates for their restraint on the use of email spam. While I did receive emails from some of the candidates, none of the campaigns made excessive use of this technology. Let's address this one now, too, before it gets out of control in the next election.

What all of these comments have in common is that they address UGLY ways to promote a campaign. I am all for public debate, informational pamphlets, and the use of web and conventional publishing to communicate a message. I visited at least four of the candidates' web sites to find out more about their ideas, and I encourage continued use of this mode. But please, don't make my life unpleasant in the name of so-called public interest.

Sincerely,

Kelly Cox  
204 Gentry Avenue  
Alexandria, Virginia

66

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 17, 2003  
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*  
SUBJECT: POLITICAL SIGNS

---

**ISSUE:** Whether to change the regulations for political signs during election periods.

**RECOMMENDATION:** That City Council: (1) request staff to draft changes to the political sign regulations, consistent with those outlined in this memorandum; and (2) refer the revised regulations to the Planning Commission as a text amendment to the zoning ordinance; and (3) meet with representatives of the local Democratic and Republican parties and the League of Women Voters to obtain their input for inclusion in the staff report on the text amendment.

**DISCUSSION:** At its May 17 public hearing meeting Council discussed the issue of political signs and considered potential changes to the zoning ordinance to address the proliferation of political signs during election campaigns. Council asked staff to draft a conceptual approach to revising the political sign regulations for Council's consideration.

At the public hearing, Council heard testimony about the proliferation of political signs during the 90 days prior to an election. Speakers noted the unattractive appearance of the City during election seasons because of the extensive signage and the difficulty the signs create for maintaining the public right of way areas throughout the City. In addition, some speakers were concerned about the traffic hazard often created by signs in medians and at intersections. Others testified about the need to balance freedom of speech considerations, and the benefit that signage provides to the uneducated voter and new, potentially underfunded, political candidates. Other speakers said that the City's rules are difficult to understand. Council concluded that changes were necessary and asked staff to consider whether a series of specific changes could be reasonably accommodated.

**Current Political Sign Rules for Elections**

Under the current ordinance, political signs may be displayed on private property in any zone, without limitation as to time or size, if authorized by the owner of the property. In addition, political signs are permitted on public rights of way, subject to the following limitations:<sup>1</sup>

---

<sup>1</sup>Section 9-104(E) of the Zoning Ordinance generally prohibits all non-governmental signs in the public rights-of-way. However, an exception is made for political signs, as well as (i) signs for

- signs are only permitted in the grass surfaced portions of the public rights-of-way (this excludes signs forced into concrete breaks or in flower beds);
- each sign must be freestanding and may be no taller than 42 inches;
- each sign may be supported by no more than two small posts;
- no signs are permitted on the George Washington Memorial Parkway (which includes all of Washington Street);
- no signs are permitted within 15 feet of an intersection;
- no signs are permitted within 15 feet of the end of a median strip;
- no signs are permitted on a traffic channelization island;
- signs may only be displayed beginning 90 days prior to an election;
- all signs must be removed by the 15<sup>th</sup> day following an election, unless there is a runoff; and
- a bond of \$100 dollars must be deposited to secure compliance with the fifteen day removal rule.

### **Proposed Changes to Rules for Political Signs**

At its public hearing, Council asked staff to consider several potential specific changes, including:

1. Limit the time during which signs are allowed prior to an election to 60 days. The current rule allows signs to stay in the right of way for 90 days prior to an election and the proposed 60 day rule is one simple way to limit the effect of election signage.
2. Restrict candidates signs to medians only and designate specific medians where signage is permitted. Council discussed prohibiting signs on the sides of roads and at intersections as one means of limiting signs. Council proposed to continue to allow signs in median areas but asked staff to determine how to best advise candidates where signs were permitted. Staff has identified grass medians in the City where political signage is feasible and has been able to display those areas on the attached map, which is an example of what can be created for candidates. The highlighted areas on the map need to be studied further in order to create a final map for purposes

---

which an encroachment ordinance has been approved by council, (ii) temporary (10 day) banners across a street or alley that have been approved by council or the city manager, (iii) signs projecting no more than four feet from the face of a building, if at least eight feet above a sidewalk or 14.5 feet above an alley, and (iv) street address numbers painted on curbs.

of disseminating to candidates. However, the attached map (Attachment 1) indicates to staff that there is a means of demonstrating permitted sign areas for candidates.

3. Restrict the number of signs per candidate to two signs per median. The most significant change to the political sign rules suggested by Council restricts allowable signs to two signs per candidate per median. If Council wishes to proceed with this change, staff would recommend that the restriction be: two signs per candidate per median island or linear median dimension of 200 feet, whichever is less. The length of many familiar median islands, such as on Commonwealth Avenue, is 200 feet, the length of the end of a standard block end on the east part of the City. Again, staff will continue to refine the median map to ensure that this limitation will work effectively on every median identified on the map.

Staff would, however, point out two potential problems with this proposed limitation. First, as pointed out at the hearing, there is room for some mischief with the rule in practice. Violations could be created if one candidate moves another's sign from one median to another. Secondly, this rule adds restrictions to the existing regulatory scheme which may increase the number of violations. The issue of enforcement is discussed below.

4. Do not increase the amount of the bond, but expand its effect to include all of the political sign rules. The current bond requirement is \$100, and is paid at the time a candidate seeks a permit for signs. Under the current ordinance, the bond is forfeited only if signs are not removed within 15 days after an election. Council heard testimony on the question of whether the amount of the bond should be increased, but stated a preference for the existing bond amount, especially given the budgets of new candidates and School Board candidates. Although not discussed by Council, staff notes that the current \$100 bond amount may be more effective if the ordinance were changed to state that the bond would be forfeited for any violations of the political sign rules, not only the removal rule.

5. Change the removal rule to require the removal of the sign posts as well as the signs themselves. Most political signs are now small and erected on two thin metal posts that are inserted into the ground. When the signs are removed as required, the posts are often not removed, and remain in the ground. Council asked staff to include a requirement that candidates remove the sign posts as well as the sign, because the remaining posts, which are almost invisible, are dangerous to City workers attempting to remove them and to City mowing machinery.

6. Make the political sign rules easy to understand and state them positively. Staff will rewrite the rules for signs that it disseminates to candidates, making them as simple and straightforward as possible. As with the attached median map, it will undertake to advise candidates of the rules for sign placement and removal in as positive a manner as possible.

7. Ensure traffic safety. Specific changes to the existing rules regarding traffic safety were not identified by Council, although Council discussed the subject generally. Staff suggests that the

existing sign rules limiting signs for traffic safety be expanded to cover at least one specific traffic safety problem. The ordinance currently prohibits signs within 15 feet of an intersection, and within 15 feet of the end of a median. Signs within traffic channelization islands are also prohibited. Given the difficulty drivers experienced this past election season attempting to turn left from the Minnie Howard parking lot onto Braddock Road, staff proposes at least one additional rule: that on a four lane road no signs be permitted within 50 feet of the end of a median.

Staff has reviewed the proposed changes above and believes they will result in fewer signs in more discrete locations, thus enhancing the current system. Staff, however, does have some concerns about the expectations for enforcement of the political sign rules.

### **Enforcement of Political Sign Regulations**

In the past, the Planning and Zoning Department has undertaken limited enforcement of the rules for political signs. However, staff acknowledges two aspects of its enforcement that Council may wish to change. If Council believes that staff should change its enforcement practices, especially if and when new rules are adopted limiting the number of signs in medians, then staff recommends that it be clear and specific, including language in the ordinance, regarding Council's expectations and staff's obligations.

1. *Proactive Enforcement.* First, as a general rule, staff's work with regard to potential illegal signs has not been proactive; its enforcement is based only on complaints received. In other words, it has not systematically gone out and inspected all of the City rights of way for candidates signs, measuring each one and its distance from various points, to determine whether each of the rules for the signs has been met. Rather, it undertakes such efforts only when it receives a complaint alleging that signs had been posted illegally. Staff has been vigilant with regard to each and every complaint received. It has acted quickly, usually in the same day, to determine whether the allegedly illegal sign complies with the rules for political signs.

Staff can, if Council wishes, and if resources are redeployed, change its basic approach with regard to political signs from a complaint based system to one which inspects on a systematic basis all rights of way for violations. To operate proactively with regard to political signs, staff will have to inspect, count and measure each posted sign. Staff can count signs per median and can measure the height of each sign, the size of the sign supports, and the distance of signs from intersections and the ends of medians. Staff is reluctant to undertake that work, mainly because it anticipates that doing so, and doing so fairly, will be an enormous amount of work. It will constitute new duties, not currently performed. To perform them fairly, staff will have to inspect religiously throughout the period signs are permitted.

2. *Staff Removal and Destruction of Illegal Signs.* When staff responds to a complaint and finds an illegal sign, it has been careful *not* to remove that sign itself. Concerned about allegations of political favoritism, staff has kept its involvement as limited as possible. Instead of removing an illegal sign, staff has historically contacted the offending candidate's office and required the

candidate's staff to remove the sign immediately. In fact, this process has worked very well; staff can report a very high degree of compliance. In the rare case that a sign was not removed immediately, a second phone contact would succeed in solving the matter. Staff has found the method successful, mainly because candidates are highly motivated to correct visible violations of the City's laws that are part of the public information available about them.

Staff can change its approach as to the removal of illegal signs, and could actually remove any illegal signs. Staff is authorized now to remove any illegal signs but is required to impound them unless they are only of *de minimus* value, in which case they may dispose of them. Staff's experience is that almost all of the political signs fit within that category of having a small monetary value. Most are cardboard and attached to small wooden or metal stakes. To cover all political signs, staff can include language to address this aspect of enforcement in the text amendment, stating that political signs will be considered of little monetary value, and that staff has the duty to remove and destroy illegal signs.

Thorough enforcement, including removal and destruction of signs, could mean extensive record keeping requirements for zoning inspectors. Even if staff simply removes and destroys any illegal signs, it would ordinarily take steps to be able to defend itself against the inevitable allegations of unfair treatment for political purposes, favoritism of one candidate over another, and purposefully incomplete checking of certain candidate's signs. Staff will need to record the location of the sign in detail if it finds too many signs in a median or ones too close to an intersection or the end of a median. The only way to reasonably do that is for staff to draw a picture of the intersection, median or other location, indicating the type of infraction and giving the relevant details, such as measurements and location of additional signs for the same candidate. If there are more than a few problem signs, the work could become quite time consuming. Even if staff does an excellent job of memorializing all data on illegal signs, unless staff also records the details of each and every *legal* sign, and it does not propose to do that, it may not be able to answer all allegations of unfair treatment. The administrative complexity of increased enforcement efforts needs to be balanced against the cost of resources to do the work and the benefit Council perceives will result from such work.

Staff is not certain that heightened enforcement will cure the problems perceived with political signs. Most of the perceived problems with political signs relate to the vast number of signs and general unattractiveness of the city during campaign season. Planning staff typically receives fewer than five complaints each election cycle and the complaints usually relate to the number of total signs in the City, the number of one particular candidate's signs or the crowding of signs in one location. Similarly, the City receives complaints from candidates each time it removes and replaces signs after mowing the grassy areas in which they are placed and campaign offices are evidently besieged by general complaints about signs. These issues do not involve violations of the rules for political signs. In fact, staff believes, based on its investigations in the past, that the vast majority of political signs have been posted legally in the past.

Staff believes that Council's recommendations for limiting the number and location of signs will have a greater effect on the perceived and actual problems with campaign signs than increased

enforcement efforts, which could require additional staff or else will result in decreased enforcement of other zoning violations during the campaign season.

Staff recommends that Council direct staff to draft new zoning ordinance language incorporating the changes listed above regarding rules for political signs in the public rights of way and that these regulations be referred to the Planning Commission as a text amendment to the Zoning Ordinance. Staff does not recommend that the current approach to staff enforcement be changed. Finally, staff recommends that the following groups be consulted for their thoughts on the proposed changes for including in the docket material the text amendment: the local Democratic and Republican Party Committees and the Alexandria League of Women Voters.

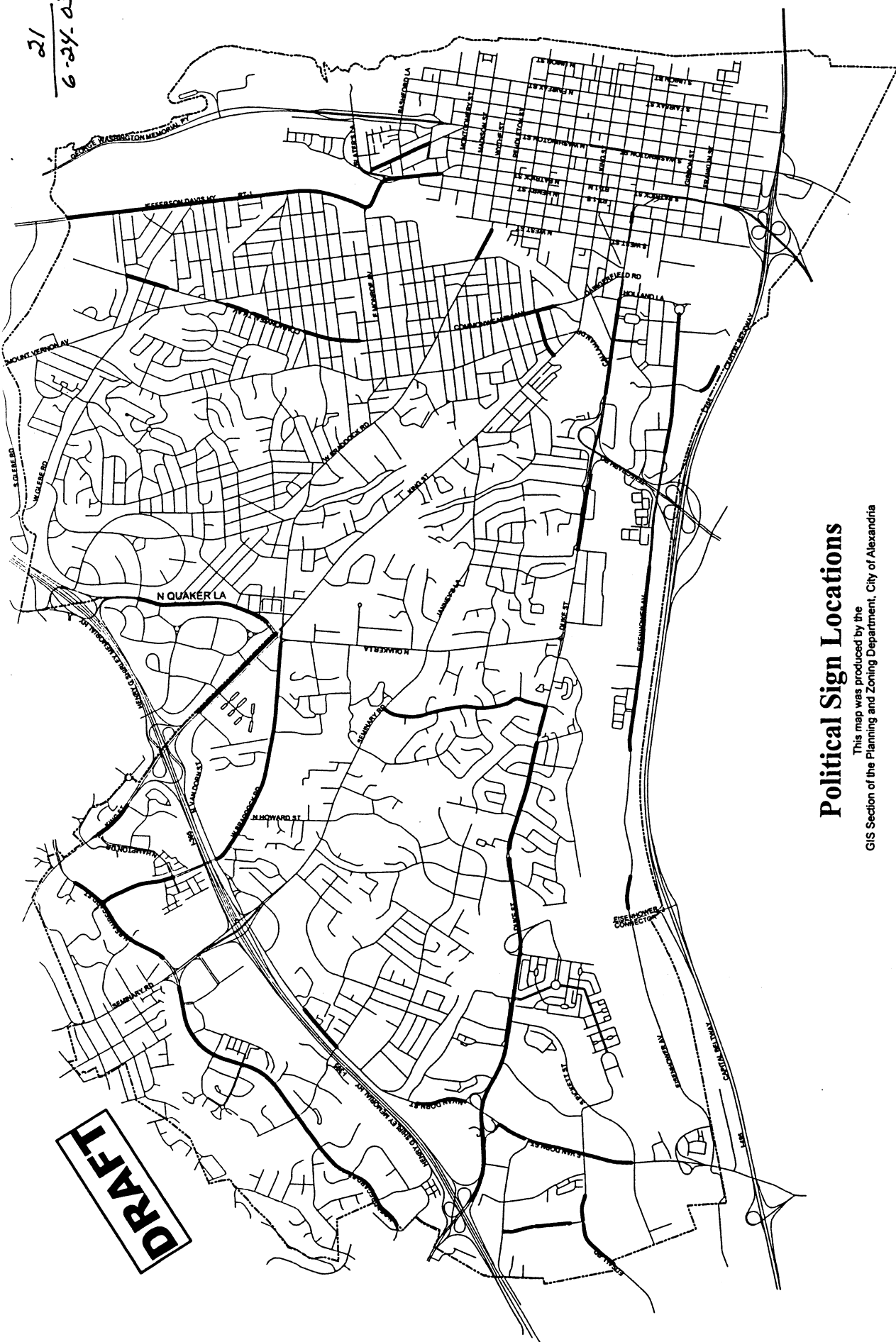
**STAFF:**

Eileen Fogarty, Director, Planning and Zoning  
Barbara Ross, Planning and Zoning

**ATTACHMENT:** Political Sign Location Map



21  
6-24-03



### Political Sign Locations

This map was produced by the  
GIS Section of the Planning and Zoning Department, City of Alexandria

**DRAFT**

Docket Item # 16  
INITIATION OF TEXT AMENDMENT  
#2003-0004-I

Planning Commission Meeting  
October 7, 2003

**CASE:** INITIATION OF TEXT AMENDMENT #2003-0004  
POLITICAL SIGNS

**ISSUE:** Consideration of initiation of a text amendment to the Zoning Ordinance for changes to the regulations for political signs.

**STAFF:** Department of Planning and Zoning

---

**PLANNING COMMISSION ACTION, OCTOBER 7, 2003:** On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to approve the motion to initiate a text amendment to the Zoning Ordinance. The motion carried on a vote of 7 to 0.

**Speakers:**

Katy Cannady, 20 East Oak St., spoke in opposition to any additional restrictions on political signs.

Poul Hertel, 1217 Michigan Court, expressed concern about excessive regulation.

Lillian White, League of Women Voters, spoke in support of some changes, including specifically an increase in the amount of the bond to \$250, forfeiture of the bond, and removal of the sign posts.

INITIATION OF TEXT AMENDMENT #2003-0004  
POLITICAL SIGNS

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission initiate, pursuant to the attached motion, a text amendment to section 9-201(A)(10) of the Zoning Ordinance, in order to change the regulations for political signs, finding that the consideration of such a text amendment is consistent with the public necessity, convenience, general welfare and good zoning practice.

INITIATION OF TEXT AMENDMENT #2003-0004  
POLITICAL SIGNS

DISCUSSION

Background

Under section 15.2-2286 (7) of the Virginia Code, the zoning ordinance or map may be amended, "whenever the public necessity, convenience, general welfare or good zoning practice requires." The same section further outlines that a zoning amendment may be initiated by resolution of Council, a motion of the Planning Commission, or, in the case of a map amendment, by a property owner of the land in question. Finally, the statute requires that any motion or resolution initiating a zoning amendment shall recite the above public purposes therefor. The Alexandria Circuit Court has recently determined that these requirements of the Virginia Code apply to the initiation of zoning amendments in Alexandria, notwithstanding that a formal process and express findings are not required under the zoning enabling authority conferred by the City Charter.

In the past, staff has consistently asked the Planning Commission to initiate and act on a proposed zoning amendment in the same action. We are now bifurcating the approach and asking the Planning Commission to consider whether a potential amendment should be considered as an introductory matter. That way, if the Planning Commission does not take the initiation step, and the amendment is not otherwise initiated by City Council or a property owner, then the amendment will not be considered at all. This procedural step will allow more time for consideration of the issue, introducing the issue for the general public earlier in the process. Staff will typically bring the actual text amendment forward in the month following the initiation by the Planning Commission.

Political Signs

After last May's election, City Council has been discussing whether there are ways to reduce the visual clutter that results from the city's current regulations on political signs, and has asked staff to bring forward for the Planning Commission's consideration certain changes to those rules. Attached are the docket items from Council's May and June discussions of the issue, and include staff material from 1998 when the Commission and Council considered a text amendment on the subject, but did not adopt any changes.

Recommendation

Staff recommends that the Commission initiate a text amendment on its own motion to change the rules for political signs, because consideration of changes is consistent with the public necessity, convenience, general welfare and good zoning practice.

Staff: Eileen Fogarty, Director, Planning and Zoning; Barbara Ross, Deputy Director.

Attachments: 1. Council docket item, May 17, 2003, item #6  
2. Council docket item, June 24, 2003, item #21

INITIATION OF TEXT AMENDMENT #2003-0004  
POLITICAL SIGNS

INITIATION MOTION

*Whereas the Alexandria Planning Commission may initiate the amendment of the Alexandria Zoning Ordinance whenever it determines that the public necessity, convenience, general welfare or good zoning practice requires an amendment; and*

*Whereas the current provisions of the Alexandria Zoning Ordinance allow political signs on the rights of way of the City pursuant to a series of limitations, but allow during a 90 day period of time, an unlimited number of signs on all rights of way green areas,*

*Now, therefore, I move that the Alexandria Planning Commission find that the public necessity, convenience, general welfare or good zoning practice requires consideration of Text Amendment No. 2003-04, Political Signs, to add limitations and otherwise address the appropriate restrictions for political signs in the rights of way, and*

*I further move that the Alexandria Planning Commission initiate such text amendment.*

**League of Women Voters of Alexandria  
testimony on political signs  
Re: initiation of text amendment  
October 7, 2003**

**I am Lillian J. White, co-president of the League of Women Voters of Alexandria. The League's mission is to promote good government and encourage citizen participation. We strongly support informing and encouraging citizens to vote and know the issues. We work hard to discourage voter apathy. Likewise, the League is concerned about competitive elections that offer opportunities to new candidates with fewer resources than incumbents to participate.**

**We feel that the display of political signs during campaign season serves to inform voters as well as help non-incumbents gain name recognition. For example, sign visibility tells voters an election is coming and informs potential voters to register or registered voters to update their registration. Likewise, for new candidates signs are a cheaper method than direct mail to advertise themselves. Moreover, political signs are protected free speech and the city has no business infringing on citizens' First Amendment rights. Instead of tampering with restricting free speech, the League urges the city to work with the League to promote and encourage an education program for candidates and their staff informing them about sign regulations and enforcement and a city wide awareness program using signs to encourage citizens to register and to vote.**

**There is too much fuss about too few complaints. This should not constitute a comprehensive zoning change based on "public necessity, convenience, general welfare and good zoning practices". According to the staff reports, there are fewer than five complaints during campaign cycles. The vast number of political signs are posted legally. And there is no evidence that political signs have caused traffic accidents. In terms of the "visual clutter" complaint, it is minimal compared to the visual benefits political signs have for citizens and for candidates and their supporters.**

**We do not support limiting the time from 90 to 60 or 30 days for displaying signs prior to election day.**

**We do not support restricting the number of signs per candidate to two**

**per median.**

**We are on record supporting an increase in bond from \$100 to \$250.**

**We agree with city staff that the bond amount may be more effective if the ordinance were changed to state that the bond be forfeited for any violations of political sign rules, not only the removal rule.**

**We definitely think it is a no brainer that the removal rule require removal of sign posts as well as the signs themselves.**

**We urge that any change in enforcement practices include an occasional unannounced inspection sweep of the city, not systematic inspections requiring inspection of all city rights-of- way, counting and measuring sign height and width of posts or distance of signs from intersections and ends of medians and extensive record keeping of sign disposal. The complaint system and a trained inspector's eye checking now and then, we think will suffice.**

**More importantly, the League supports a continued education program for candidates', their staff and the public on the value and the regulation and enforcement of political signs.**

**Thank you.**

Commonwealth Republican Women's Club (CRWC)  
Testimony on Political Signs  
Re Text Amendment #2004-0004  
March 2, 2004

Mr. Chairman and Members of the Commission:

I am Joan E. Lamb, 4709 Newcomb Place, Corresponding Secretary of the Commonwealth Republican Women's Club of Alexandria, and I want to thank you for this opportunity to speak concerning political signs tonight. This is an issue that has come before the City Council and the Planning Commission since 1997, and we are still debating the issue without resolution.

The Commonwealth Club believes strongly that the display of political campaign signs is essential to the electoral process in Alexandria and is a manifestation of this city's rich, political history. George Washington and George Mason walked our streets and sought to bring forth a new nation founded on democratic principles that would require the active participation of the citizenry to safeguard the precious rights that our forefathers gained for us. George Mason's illustrious Bill of Rights for the Virginia Constitution was incorporated as the first Ten Amendments to the constitution. Chief among them is the First Amendment which guarantees our freedom of speech, including most importantly our political speech. Its central purpose is the protection of the citizen's fundamental right to speak out on public policies, governmental issues, and political candidates, without fear that the government will seek to suppress or restrain or silence that speech. Campaign signs are a fundamental part of our political speech. They have been part of the political discourse from the earliest of Colonial times.

Therefore, we have a solemn responsibility to limit or regulate that speech no more than is absolutely necessary to meet an urgent, compelling government interest of overriding importance, which can be met in no other way. We would respectfully submit that the complaints of a few citizens have generated too much fuss and are having an inordinate amount of influence. According to staff reports, there are fewer than five complaints during campaign cycles. The great majority of political signs are posted legally, and there has been no evidence that traffic accidents have been caused by their postings. As to aesthetics, the "visual clutter" of the few is like a diamond necklace to



the many—it is evidence of caring and love for our constitutional form of government which demands that all of us be aware of and participate in elections to safeguard the rights that were so dearly bought for us and our descendants.

Accordingly, we are against limiting the time from 90 days to 60 days for displaying signs prior to Election Day. People need to know when an election is coming up well in advance since they must be registered 30 days before an election begins.

We are definitely not in favor of restricting the number of signs per candidate to two per median. Political signs are a way for challengers with small budgets to get name recognition at low cost.

We do support the removal rule requiring that the supports as well as the signs be removed.

Thank you for the opportunity to address you on this important issue that impacts Alexandria's political process.

League of Women Voters of Alexandria  
Testimony on Political Signs  
Re: Text amendment  
March 2, 2004

I am Lillian J. White, co-president of the League of Women Voters of Alexandria. The League's mission is to promote good government and encourage citizen participation. We strongly support informing and encouraging citizens to vote and to know the issues. We work hard to discourage voter apathy. Likewise, the League is concerned about competitive elections that offer opportunities to new candidates with fewer resources than incumbents to participate.

We feel that the display of political signs during campaign season serves to inform voters as well as help non-incumbents gain name recognition. For example, sign visibility tells voters an election is coming and informs potential voters to register or registered voters to update their registration. Likewise, for new candidates signs are a cheaper method than direct mail to advertise themselves.

Moreover, political signs are protected free speech and the city has no business infringing on citizens' First Amendment rights. Instead of tampering with restricting free speech, the League urges the city to work with the League to promote and encourage an education program for candidates and their staff informing them about sign regulations and enforcement and a city wide awareness program using signs to encourage citizens to register and to vote.

There is too much fuss about too few complaints. This should not constitute a comprehensive zoning change based on "public necessity, convenience, general welfare and good zoning practices." According to the staff reports, there are fewer than five complaints during campaign cycles. The vast number of political signs are posted legally. And there is no evidence that political signs have caused traffic accidents. In terms of the "visual clutter" complaint, it is minimal compared to the visual benefits political signs have for citizens and for candidates and their supporters.

Hence, we do not support limiting the time from 90 to 60 or to 30 days for displaying signs prior to election day.

We do not support restricting the number of signs per candidate to two per median.

We are on record supporting an increase in bond from \$100 to \$250.

We also agree with city staff that the bond amount may be more effective if the ordinance were changed to state that the bond be forfeited for any violations of political sign rules, not only the removal rule.

We definitely think it is a no brainer that the removal rule requires removal of sign posts as well as the signs themselves.

We urge that any change in enforcement practices include an occasional unannounced inspection sweep of the city, not systematic inspections requiring inspections of all city rights-of-way, counting and measuring sign height and width of posts or distance of signs from intersections and ends of medians and extensive record keeping of sign disposal. The complaint system and a trained inspector's eye checking now and then, we think will suffice.

More importantly, the League supports a continued education program for candidates', their staff and the public on the value and the regulation and enforcement measures relevant to political signs.

Thank you for the opportunity to make comments on this issue.

Good Evening Mr. Chairman and Members of the Commission I am Sharon Annear, residing at 1118 N. Howard St, and I am representing myself.

I am opposed to any changes to the existing ordinance controlling political signs. The ordinance is already adequate to protect the public from harm regarding traffic safety issues. The additional changes proposed in the Text Amendment that is before you "PROTECT PRETTY; NOT PEOPLE," and that violates my freedom of speech and does harm to our electoral process.

I have managed many local campaigns. Most of them were for first time candidates and they relied on signs to build name identification. First time candidates, women candidates and minority candidates almost always face low budget campaigns and signs provide the most "bang for the buck" when it comes to name identification. The changes before you tonight, will legislate signs out of existence from a "practical campaign" point of view. Limiting signs to specific medians, instead of the public right of way, limiting the number of signs to two per median, and limiting the time from 90 to 60 days, will no longer give a candidate enough exposure to provide low cost name identification.

If the free speech issue is not reason enough for you to reject the this text amendment, consider some of the practical issues presented by the proposed language.

1. In section (B) 5. the 50 foot set back on four lane streets is never explained or justified as a public safety issue.
2. In section (B) 2. The language is not clear. As I read it, "whichever is less" means that two per median will always be the least. Therefore, why bother mentioning "or linear median dimension of 200 feet." When I asked staff what they meant, they said they were trying to cover situations like N. Beauregard Street where the medians greatly exceed 200 feet. I asked how someone would know how many more signs were permitted on those kinds of medians. The answer was that it would be up to staff discretion to determine the specific additional number of signs at these locations and the campaigns would have to ask staff. Really? How would anyone **know that** from reading the ordinance text or even from reading the staff report?
3. The text amendment limits a candidate to two signs per median but it does not define sign.
  - a) Is one cardboard poster on a stake - a sign? Yes, of course.
  - b) Is a cardboard poster on the front of a stake and one cardboard poster on the back of a stake, one sign or two signs?
  - c) If the poster is one big piece of cardboard that folds in the middle to cover both the front and back of a stake, - is it one sign or two signs?
  - d) If the poster is one big piece of cardboard that folds in the middle to cover a wire frame instead of a wooden stake, - is it one sign or two signs?
  - e) If there are two posters on one stake and they both face the same direction, are they one

sign or two signs? Will it make a difference if they are for the same candidate or two different candidates?

4. In the hands of the average campaign volunteer, the map showing the specific median areas where signs would be permitted is too small to achieve the objective of the ordinance.

In the last paragraph of the staff report, Your staff points out that they have “some concerns about the expectations for enforcement of the political sign rules.” No increase in enforcement resources are proposed. As limitations increase, “There may be more violations in the future.”

**All things considered, is the result really worth the cost to our political system?**

STATEMENT OF MICHAEL E. HOBBS  
for the  
Planning Commission  
March 2, 2004

Chairman Wagner and members of the Commission, my name is Michael Hobbs, and I live at 419 Cameron St. Thank you for this opportunity to testify on the question of political signs.

To many of us who have chosen to make our homes here, one of the most appealing things about Alexandria is our tradition of broad, vibrant and enthusiastic citizen participation in the governmental and political process of our city. We who live here may take that process too much for granted. We shouldn't. Many of us, for example, moved here from right next door in the District of Columbia, where the citizens would be overjoyed to have the freedoms that we enjoy here.

We should be grateful for those freedoms. We should cherish and nourish them—not seek to limit or abridge them out of a misguided aspiration for order.

In particular, I would urge you not to give any endorsement or encouragement to this proposal to retreat from the vital and energetic role that signs play in our political free speech.

This is not, and should not be, a partisan political issue. You considered this issue several years ago, when another proposal had been advanced to restrict and regulate political signage. The two major parties and the League of Women Voters testified to you of their abiding conviction that the display of political campaign signs is an essential and central characteristic of the electoral process in Alexandria. I was one of those testifying, but I would have to concede that the best and most succinct statement of the case came from the Alexandria Democratic Party's "sign captain," who said that

At the least, signs alert voters to the coming election and create the festive air that is a part of the celebration of our political system. While irritating to some, the signs attract interest and alert voters to a coming election. Moreover, the sign campaigns involve volunteers in the political process, which is good for our society and our system of government.

Is regulating and confining political campaign signs an infringement of free speech? We would like to think it could not happen here. But the present proposal is in many respects a renewal of an effort that began shortly after the Virginia gubernatorial election of 1997. At a City Council meeting days before that election, one Councilman shared his exasperation that

... the other night my wife and I were driving somewhere and we saw a big banner... the same banner we've seen everywhere, a sign just larger, "No Car Tax Vote Gilmore," and I said that I thought this was one of the most discouraging moments that I think I've ever had in public office to realize that someone was campaigning on that slogan... Let's give the devil his due. It's been a marvelous

86

campaign issue in terms of being able to condense the campaign for the highest office in Virginia to a three-word road sign....

And shortly after the election, the same Councilman's motion initiated the process to amend the zoning ordinance to limit and restrict political campaign signs.

Please do not join those who find this or any other form of political speech annoying, distasteful, discouraging or unsightly and would like to suppress it. Please do not stand with those who would subject our political free speech to "aesthetic cleansing." Please stand instead with those like our former Alexandria neighbors, Supreme Court Justices Hugo Black, William Brennan, and William O. Douglas, who were among our nation's boldest and most articulate champions of the First Amendment guarantee of free speech.

Thank you for your attention, and for your thoughtful consideration of this important question.



**Natalie Burch**  
03/02/2004 01:48 PM

To: Barbara Ross/Alex@Alex  
cc:  
Subject: Political Signs Text Amendment

*Per Docket Item #17  
TA#2004-0004*

From Tom Parry

----- Forwarded by Natalie Burch/Alex on 03/02/2004 01:48 PM -----



**"Tom Parry"**  
<tparry@mptechlaw.com>  
m>  
03/02/2004 01:42 PM

To: "Eric R. Wagner" <erwagner@comcast.net>, <eric.r.wagner@medstar.net>, <donna\_fossum@rand.org>, "J. Lawrence Robinson" <jlr@cpma.com>, <jlawrencerobinson@msn.com>, <jssjennings@aol.com>, "John Komoroske" <John.Komoroske@NASD.com>, <komorosj@nasd.com>, "Richard Leibach" <richleibach@aol.com>, "H. Stewart Dunn, Jr." <hsdunn@ipbtax.com>

cc: "Mayor Euille" <alexvamayor@aol.com>, "Vice Mayor Pepper" <delpepper@aol.com>, "Councilman Gaines" <councilmangaines@aol.com>, "Councilman Krupicka" <rob@krupicka.com>, "Councilman Macdonald" <macdonaldcouncil@msn.com>, "Councilman Smedberg" <paulcsmedberg@aol.com>, "Councilwoman Woodson" <council@joycewoodson.net>, "City Manager Sunderland" <phil.sunderland@ci.alexandria.va.us>, "Eileen Fogarty" <eileen.fogarty@ci.alexandria.va.us>

Subject: Political Signs Text Amendment

Dear Chair and Members of the Planning Commission:

I write to suggest either deferral or denial of the proposal to restrict political signs being considered at this evening's meeting.

First, the process is troublesome. The proposed text amendment was first posted on the City's web site a week ago -- either Monday, February 23, or Tuesday, February 24. Until that time, the community had no information that this specific amendment would be considered at your March meeting.

I continue to be concerned that it is not fair to citizens to allow just one week from the date an item is made public to the date of the vote. Even if the Commission rejects the amendment and maintains the status quo, the lack of notice is relevant, because there is not sufficient time for the greater community to become informed and reflect on this proposal prior to Council taking it up. Unfortunately, it appears that the specific proposal has been kept under wraps for as long as possible and then rushed forward for approval. This is unfair, and it is inappropriate for staff to use Planning Commission in this way.

Groups which in the past have been involved with this issue are not being allowed a reasonable period of time to present the topic to their boards and membership and formulate a position.

In addition, the Planning and Zoning Department is not making available to the public, either via the web site or upon visiting their office to get a hard copy, color copies of the map referenced in the docket memo. Only very faint, unreadable black and white copies are available for



public consumption, meaning that members of the public do not know the practical import of the proposal (i.e., the number and location of specific medians where signs would be allowed). If Planning and Zoning insists on using color copies for critical documents, then it would seem only reasonable that the Department be required to provide the public with the color documents -- both on the web and in the hard copies.

I am fully aware that City staff are enamored by their ability to create impressive looking color documents. I would request, however, that that practice cease until the City agrees to provide the public color copies also. The issue has arisen repeatedly -- the Eisenhower East documents are a good example -- where critical maps and charts reproduced in black and white lost much of the information content that was present in the color original. Other examples abound where important maps and charts are uninformative to anyone with only the black and white copy.

Second, the substance of the proposed text amendment is very troublesome. The text proposes a very substantial reduction in the use of signs. The time period is restricted, the locations are restricted and the number of signs is restricted.

Time period: I would prefer to see 90 days continue, as the longer period gives challengers more opportunity to gain name recognition.

Location restriction: There is no justification in the staff memo for eliminating signs from the public land on the sides of streets (other than hostility to the signs located anywhere). No safety issue arises with this sign placement. If there are specific locations where signs to the side of a street are inappropriate, that can be specified, but there is no stated safety reason to exclude all signs from the side of all roadways.

The uniform fifty-foot setback on medians does not seem to be based on any safety consideration but again is a result of the hostility to all signs. Again, if specific medians require more setback that can be stated, but the fifty foot setback is excessive.

The two-signs per median rule does not take into account the length of a median. A long median gets two signs per candidate and a short median gets two signs per candidate. The drafter's goal appears to be to come as close as possible to eliminating the signs without actually doing that.

Increasing the bond and ensuring removal of the sign supports is appropriate.

Depending on your point of view, the signs are visual clutter or a celebration of democracy. I see a celebration of democracy, and hope that the severe restrictions being proposed are not enacted.

Thank you,

Tom Parry

317 Skyhill Road  
Alexandria, Virginia 22314  
(703) 212-0982

cc: Mayor and Members of City Council, City Manager, and the Director of the Department of Planning and Zoning

bcc: Citizens involved in Alexandria civic associations

# Patrick H. Butler III

P. O. Box 16449  
Alexandria, Virginia 22302  
703-549-0177  
phbraven@msn.com

March 10, 2004

Mr. Eric Wagner  
Chair  
Alexandria Planning Commission  
City Hall  
Alexandria, Virginia 22314

Dear Mr. Wagner:

I write to offer some thoughts concerning issues raised at the planning commission meeting regarding the display of political signs.

Campaign Signs in the Areas between the Curb and Sidewalk: Given the current preference for mounting signs on wire frames rather than wooden stakes, this is an issue that relates to vehicle and personal safety. Because these signs are like small sails on very thin wire, the wind generated by passing traffic makes these signs begin to wobble back and forth and, in a matter of a week or so, the signs are likely to fall over, often ending up in the street and creating a hazard for passing vehicles. This has always been a problem, even with stake mounted signs, but it is worse with the wire frame signs. For this reason, I would like to recommend that the Commission reconsider its plan to allow signs in these areas.

Campaign Signs in the Medians: The medians around town, and there are many, are the best place, in terms of visibility, to display signs. There are some limits that should be considered in placing these signs to allow drivers making turns or crossing medians to better see oncoming traffic. First, regardless of whether a street is two or four lanes, I would make the distance of the setback from the ends of the medians a minimum of twenty-five feet (25 feet). This would greatly improve visibility at cross points, for example, all along Commonwealth Avenue, but particularly between Monroe and Mt. Vernon, as an example. The fifty feet recommendation might mean the virtual end of signs along Rt. One, but I think it useful to display signs in that area. Also, given the nature of the heavy plantings along Beauregard, I think there would be confusion and problems in placing signs along that street in a visible manner. There are a few areas where, because of traffic safety issues, I would forbid signs on medians. These include the medians at the corner of Monroe Avenue and Route 1; at the corner of Quaker Lane and Duke Street; and along the hill in front of Minnie Howard School. There may be a few other sites where the issue is equally serious, but those three locations are particularly dangerous.

Retrieval of Signs at the End of the Campaign: In terms of the pick up of sign materials after elections, many of the wires are without signs, making it difficult to assign removal responsibility to a specific candidate, party, or interest group. All those involved in sign pick up should be encouraged to gather up any unidentifiable left over sign frames or posts. Wooden stakes may be easily recycled or, if damaged beyond use, converted to fire wood. Because of their nature, most metal frames cannot be reused in the next campaign. They rust easily and also are often bent out of shape. The city should provide an appropriate means for the disposal, and perhaps recycling, of the wire frames. The recycling plant on Eisenhower is a good location for this sort of disposal, and it might be that, in the period following an election, they might have a container set aside specifically for campaign signs.

Forfeiture of Bond and/or Permit: Although I support this concept, I do think that there are some cautions to be included in the idea. First, supporters of candidates or issues who are acting alone, outside the normal structure of a given campaign, may decide to put signs out without knowing or understanding the law. While such efforts are minimal, usually, they are done without any authorization

March 10, 2004

from a campaign or candidate. While every campaign, once instructed in sign laws and regulations, will work to stay within the law, there must be provision for warnings and for recognition of the non-official "helpers." Second, this does set up the opportunity for dirty tricks by the other side.

Interest/Issue Signs: With respect to interest group signs, as opposed to candidate signs, I see no reason why those putting out such signs should not be subjected to the same requirements that any candidate must follow. Since the bond for right of way signs is fully refundable, the groups should be prepared to follow the rules for public right of way signs. Of course, I believe that these signs are most effective when placed in yards of those supporting the particular issue.

In general, of course, I believe that one campaign/issue sign placed in a citizen's yard is worth a minimum of ten (10) signs on the rights of way, and plan to continue to focus my efforts on yard signs and use right of way signs only toward the end of the campaigns when signs have a real positive impact.

In the end, no matter the nature of the law, without real and active enforcement, nothing will change in the use of signs in Alexandria. I find it odd that those who seek office to make laws cannot be bothered to follow the laws that are already in place. Somehow, breaking the law while seeking office seems a contradiction in terms. Alexandria is virtually unique in Virginia by providing for the legal posting of signs along the right of way and, eventually, the complaints of citizens may lead to more draconian changes in the law if the law is not properly enforced.

Thank you for your consideration of these thoughts.

Sincerely,

Patrick H. Butler III

9/1



**Jackie Henderson**  
05/03/2004 11:58 AM

To: Eileen Fogarty/Alex@Alex, Barbara Ross/Alex@Alex  
cc:  
Subject: City of Alexandria Website Contact Us - EMail for Jackie M. Henderson (jackie.henderson@ci.alexandria.va.us)

This person wants this e-mail forwarded to the Planning Commission. Thanks.

Jackie M. Henderson  
City Clerk and Clerk of Council

----- Forwarded by Jackie Henderson/Alex on 05/03/2004 11:57 AM -----



<dennis.jones@itt.com  
>  
05/03/2004 10:29 AM  
Please respond to  
dennis.jones

To: <jackie.henderson@ci.alexandria.va.us>  
cc:  
Subject: City of Alexandria Website Contact Us - EMail for Jackie M. Henderson (jackie.henderson@ci.alexandria.va.us)



**Time: [Mon May 03, 2004 10:29:11] IP Address: [151.190.254.106]**

**Response requested:**

**First Name:** Dennis L.

**Last Name:** Jones

**Street Address:** 608 South View Terrace

**City:** Alexandria

**State:** VA

**Zip:** 22314

**Phone:** 703-989-3310

**Email Address:** dennis.jones@itt.com

**Comments:** Ms. Henderson,

Will you please forward the following to the Chairman and members of the Alexandria Planning Commission. It is my statement on the proposed text amendment for political signs. Thank you. dlj

I am in strong support of proposed changes to the political sign text amendment. I do not consider the proposed changes to be limits to free speech.

There were so many signs posted for the last City Council election that the signs were noise, not speech. In addition, the median signs can be safety hazards to pedestrians, bicyclists, and motorists, because they obstructed vision and resulted in tripping hazards to pedestrians and safety hazards to City maintenance crews. I also support any strengthening of the ordinance that promotes post-election cleanup.

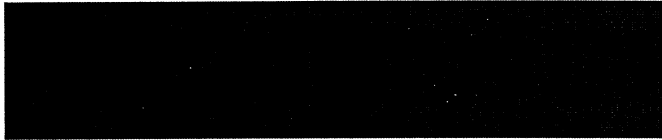


< mumsy4709@aol.com  
>

To: < eileen.fogarty@ci.alexandria.va.us >  
cc:

05/04/2004 02:42 PM  
Please respond to  
mumsy4709

Subject: City of Alexandria Website Contact Us - EMail for Eileen Fogarty  
(eileen.fogarty@ci.alexandria.va.us)



**Time:** [Tue May 04, 2004 14:42:46]

**IP Address:** [205.188.116.80]

**Response requested:** []

**First Name:** Joan

**Last Name:** Lamb

**Street** 4709 Newcomb Place

**Address:**

**City:** Alexandria

**State:** VA

**Zip:** 22304`

**Phone:** 703-370-6188

**Email** mumsy4709@aol.com

**Address:**

**Comments:** Ms. Fogarty:

I am the Corresponding  
Secretary for the  
Commonwealth  
Republican Women's  
Club of Alexandria.  
Because of a medical  
problem, I am unable to  
attend tonight's meeting  
of the Planning  
Commission re political  
signage. However I  
would like to submit the  
position of the  
Commonwealth Club to  
you for the  
Commission's  
consideration:

We have reviewed the

17  
5-15-04

League of Women Voters of Alexandria  
Testimony on Political Signs  
Re: Text amendment  
May 15, 2004

I am Lillian J. White, co-president of the League of Women Voters of Alexandria. The League's mission is to promote good government and encourage citizen participation. We strongly support informing and encouraging citizens to vote and to know the issues. We work hard to discourage voter apathy. Likewise, the League is concerned about competitive elections that offer opportunities to new candidates with fewer resources than incumbents to participate.

We feel that the display of political signs during campaign season serves to inform voters as well as help non-incumbents gain name recognition. For example, sign visibility tells voters an election is coming and informs potential voters to register or registered voters to update their registration. Likewise, for new candidates signs are a cheaper method than direct mail to advertise themselves.

Moreover, political signs are protected free speech and the city has no business infringing on citizens' First Amendment rights. Instead of tampering with restricting free speech, the League urges the city to work with the League to promote and encourage an education program for candidates and their staff informing them about sign regulations and enforcement and a city wide awareness program using signs to encourage citizens to register and to vote.

There is too much fuss about too few complaints. This should not constitute a comprehensive zoning change based on "public necessity, convenience, general welfare and good zoning practices." According to the staff reports, there are fewer than five complaints during campaign cycles. The vast number of political signs are posted legally. And there is no evidence that political signs have caused traffic accidents. In terms of the "visual clutter" complaint, it is minimal compared to the visual benefits political signs have for citizens and for candidates and their supporters.

Hence, we do not support limiting the time from 90 to 60 or to 30 days for displaying signs prior to election day.

We do not support restricting the number of signs per candidate to two per median.

However, we are on record supporting an increase in bond from \$100 to \$250.

We also agree with city staff that the bond amount may be more effective if the ordinance were changed to state that the bond be forfeited for any violations of political sign rules, not only the removal rule.

We definitely think it is a no brainer that the removal rule requires removal of sign posts as well as the signs themselves.

We urge that any change in enforcement practices include an occasional unannounced inspection sweep of the city, not systematic inspections requiring inspections of all city rights-of-way, counting and measuring sign height and width of posts or distance of signs from intersections and ends of medians and extensive record keeping of sign disposal. The complaint system and a trained inspector's eye checking now and then, we think will suffice.

More importantly, the League supports a continued education program for candidates', their staff and the public on the value and the regulation and enforcement measures relevant to political signs.

Thank you for the opportunity to make comments on this issue.