

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Senate Committee on  
Agriculture and  
Environmental  
Resources  
(SC-AER)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤

➤ Clearinghouse Rules ... CRule

➤

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤

➤ Hearing Records ... HR

➤ 97hr\_sb0409

➤ Miscellaneous ... Misc

➤

➤ Record of Comm. Proceedings ... RCP

➤



## Scenic America

21 Dupont Circle N.W. · Washington, DC 20036

Phone (202) 833-4300 · Fax (202) 833-4304

This is by no means a complete list, but it does give a good idea of the number and geographic diversity of cities, counties and even states that ban billboards. Many, many more communities also ban billboards.

### States that Ban Billboards

Vermont (removed all billboards in 1970s.)  
Hawaii (removed all billboards in 1920s.)  
Maine (removed all billboards in 1970s and early 80s.)  
Alaska (state constitution prohibits billboards.)

### States that Ban New Billboard Construction

Rhode Island in 1990  
Oregon capped the number of billboards statewide on state and federal roads in 1975.

### Counties that Ban New Billboards

Marin County, CA (complete ban)  
Pitkin County, CO  
Montgomery County, MD  
Fairfax, Loudoun, Arlington, Clarke, Isle of Wight Counties, VA  
Morris County, NJ  
Palm Beach County, FL (30 of 37 municipalities also ban billboards.)

### Cities that Ban New Billboards

|                   |                                  |
|-------------------|----------------------------------|
| Houston, TX       | Jacksonville, FL (by referendum) |
| Fort Worth, TX    | Lakeland, FL                     |
| Monterey, CA      | Clearwater, FL                   |
| Palm Springs, CA  | Amherst, MA                      |
| Santa Barbara, CA | Marth's Vineyard, MA             |
| San Jose, CA      | Alexandria, VA                   |
| San Diego, CA     | Charlottesville, VA              |
| Santa Monica, CA  | Virginia Beach, VA               |
| Rockville, MD     | Williamsburg, VA                 |
| Ocean City, MD    | Belleville, IL                   |
| Annapolis, MD     | Evanston, IL                     |



# Sign Control Update

## Supreme Court Reaffirms Validity of Sign Control

### City of Ladue v. Gilleo

In a case recently decided by U.S. Supreme Court, City of Ladue v. Gilleo, 114 S. Ct. 2038 (1994), the Court ruled that a city ordinance banning virtually all signs on private residences violated the protection of free speech guaranteed by the First Amendment to the Constitution. In reaching this result, however, the Court reaffirmed the ability of communities to regulate signs in the interest of preserving the aesthetic quality of a community. Thus, consistent with the Supreme Court's decision, communities may continue to regulate billboards and other signs.

### Facts of the Case

The City of Ladue, a suburb of St. Louis, passed an ordinance prohibiting homeowners from displaying any signs on their property, except for those signs falling within one of ten narrow exceptions (such as residence identification signs, "for sale" signs, signs warning of safety hazards, signs for churches or schools, and others). A homeowner in Ladue, Margaret P. Gilleo, placed a sign in her window on letter-sized paper stating, "For Peace in the Gulf." Ms. Gilleo challenged the City ordinance, contending that the ordinance violated her right to free speech. She prevailed in federal dis-

trict court and at the U.S. Court of Appeals, and the City appealed to the Supreme Court.

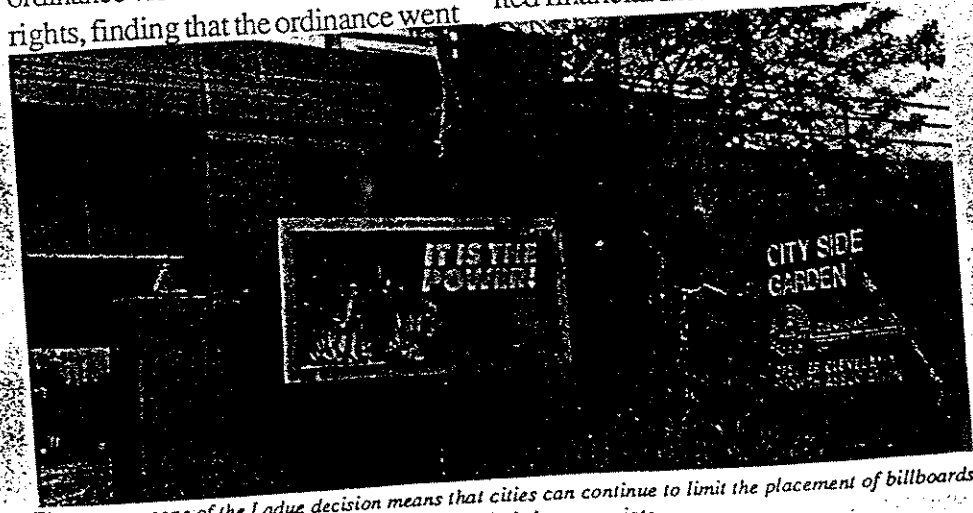
*Upholding its prior rulings, the Court ruled that cities may regulate signs because they "take up space and may obstruct views, distract motorists, displace alternative uses of land, and pose other problems that legitimately call for regulation."*

### The Supreme Court Decision

The Supreme Court agreed with the lower federal courts that the ordinance violated Gilleo's free speech rights, finding that the ordinance went

too far in restricting speech. In reaching this result, the Court focused on the impact of the ordinance on two important constitutional principles: the distinct nature of residential signs as a means of communication and respect for freedom of individuals in their own home.

The Court recognized that "residential signs have long been an important and distinct medium of expression," and that the City's regulation "almost completely foreclosed a venerable means of communication that is both unique and important." As the Court pointed out, displaying a sign from one's own residence often carries a distinct message because it provides information about the identity of the "speaker," and that such signs are one of the only means of communication for people with limited financial means or limited mobil-



The narrow scope of the Ladue decision means that cities can continue to limit the placement of billboards. Locating this billboard at the garden entrance clearly is inappropriate.

## Sign Control Update: Supreme Court Reaffirms Validity of Sign Control

ity. Because the local ordinance prohibited all residential signs outside the enumerated exceptions — even Ms. Gilleo's 8.5- by 11-inch sign placed in her window — the Court held that the ordinance was too broad.

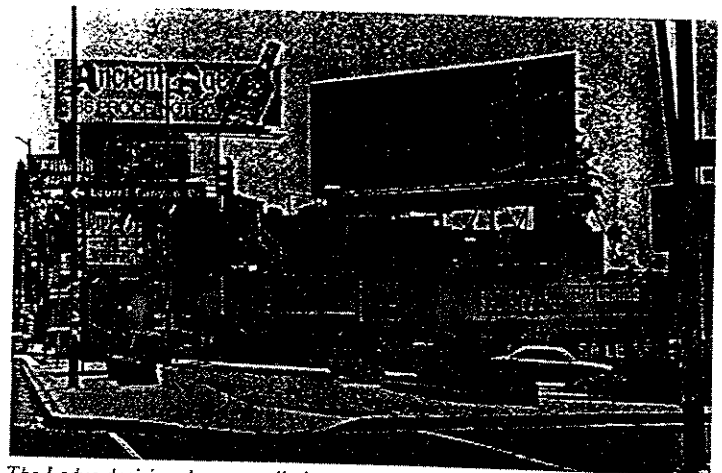
The Court also stated that “[a] special respect for individual liberty in the home has long been part of our culture and our law,” and that the need to regulate speech from the home is less pressing than government's interest in regulating signs on public streets. Whereas the City of Ladue imposed virtually a complete ban on the use of residential signs, the Court concluded that “more temperate measures” could satisfy the City's interests in maintaining the attractiveness of the community without infringing on the free speech rights of its citizens. Thus, the Court recognized that the city may impose reasonable regulations on residential signs short of a complete ban.

### The Ladue Decision & Billboard Control

The rule set forth in the Ladue case must be limited to the narrow facts presented before the court. The case involved a small sign in the window of a house expressing the owner's views on an important political issue, and the ordinance under review prohibited virtually all resi-

dential signs. Under these circumstances, the Court focused on the importance of residential signs at one's own home, and concluded that the ordinance went too far in restricting speech because it completely foreclosed the opportunity for an individual to express his views by means of a residential sign.

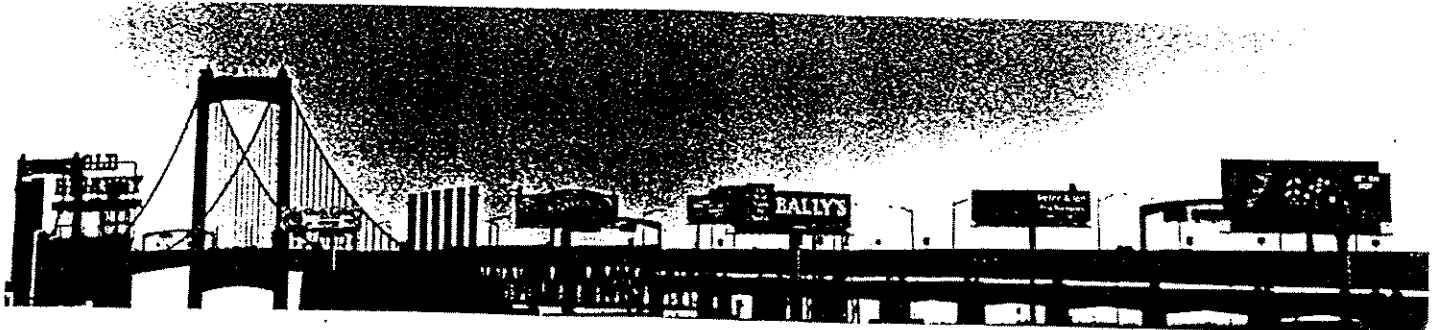
Given the narrow facts of the case and the limited nature of the Court's ruling, the Ladue decision does not upset the authority of communities to regulate billboards. As a preliminary matter, the Court stated that “[i]t is common ground that governments may regulate the physical characteristics of signs.” The Court recognized that, unlike oral speech, signs are a form of expression that are subject to municipalities' regulatory powers because signs “take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.” As a result, the Court expressly reaffirmed



The Ladue decision does not eliminate communities' ability to control sign blight like that seen here.

the principle announced in Metromedia, Inc. v. San Diego, 453 U.S. 490 (1981), that the city's interest in traffic safety and aesthetics could justify a prohibition of off-site commercial billboards.

The Ladue case upholds the important constitutional principle of preserving the right of individuals to engage in expression from their own homes by prohibiting communities from banning the use of all residential signs. The decision does not, however, prevent communities from regulating billboards. Communities seeking to enact billboard ordinances banning all billboards or strictly limiting their size and location may continue to do so, consistent with the Supreme Court's Ladue decision and local and state laws.



Billboard proliferation constitutes a significant problem in cities across the nation.