

VAN WAGNER-ATTACHMENT A

- I. A new Title 13 (Sign Regulations) of the District of Columbia Municipal Regulations is added to read as follows:**

TITLE 13

SIGN REGULATIONS

CHAPTER 1: PURPOSE AND SCOPE

100	PURPOSE
101	SCOPE

CHAPTER 2: GENERAL PROVISIONS

200	PERMITTING AND ENFORCEMENT OFFICIALS
201	PERMIT REQUIRED
202	PERMIT APPLICATION PROCESS
203	ACTION ON A PERMIT APPLICATION
204	COMPLIANCE WITH CONSTRUCTION CODES

CHAPTER 3: SIGNS SUBJECT TO REVIEW BY THE COMMISSION OF FINE ARTS

300	APPLICABILITY
301	PERMITTING AND ENFORCEMENT OFFICIALS
302	PERMIT REQUIRED
303	PERMIT APPLICATION PROCESS
304	PROHIBITED SIGNS
305	PERMITTED SIGNS AND REQUIREMENTS
306	EXCEPTIONS

CHAPTER 4: SIGNS SUBJECT TO REVIEW BY THE HISTORIC PRESERVATION BOARD

400	APPLICABILITY
401	PERMITTING AND ENFORCEMENT OFFICIALS
402	PERMIT APPLICATION PROCESS
403	PROHIBITED SIGNS
404	MASTER PLAN FOR SIGNS
405	TEMPORARY SIGNS
406	SIGNS ON AWNINGS AND CANOPIES

CHAPTER 5: CHINATOWN DISTRICT REVIEW PROCEDURES

500	APPLICABILITY
501	PERMITTING AND ENFORCEMENT OFFICIALS
502	PERMIT APPLICATION PROCESS

CHAPTER 6: SIGNS ON PUBLIC SPACE

600	APPLICABILITY
601	PERMITTING AND ENFORCEMENT OFFICIALS
602	PERMIT REQUIRED
603	PERMIT APPLICATION PROCESS
604	ACTION ON A PERMIT APPLICATION
605	TEMPORARY SIGNS ON PUBLIC SPACE
606	FREESTANDING SIGNS ON PUBLIC SPACE
607	BANNERS
608	PERMANENT SIGNS ON PUBLIC SPACE
609	SIGNS ON VEHICLES
610	ADDITIONAL RESTRICTIONS AND REQUIREMENTS

CHAPTER 7: SIGNS ON PRIVATE PROPERTY

700	APPLICABILITY
701	PERMITTING AND ENFORCEMENT OFFICIALS
702	PERMIT REQUIRED
703	PERMIT APPLICATION PROCESS
704	ACTION ON A PERMIT APPLICATION
705	GENERAL REQUIREMENTS AND RESTRICTIONS
706	TEMPORARY SIGNS ON PRIVATE PROPERTY
707	PERMANENT DIRECTIONAL SIGNS
708	PROJECTING SIGNS
709	SIGNS ON ROOFS
710	WALL SIGNS
711	GROUND AND POLE SIGNS
712	VARIABLE MESSAGE SIGNS
713	REAL ESTATE SIGNS
714	MAXIMUM SIZE OF SIGNS
715	ONE-STORY BUILDINGS
716	FIRST FLOOR STORES OR BUSINESSES IN MULTI-STORY BUILDINGS
717	SINGLE-OCCUPANCY BUILDINGS
718	UNIMPROVED LOTS OR LOTS WITH A SMALL OFFICE
719	PARKING RATE SIGNS
720	TEMPORARY AUTOMOBILE PARKING LOTS
721	SIGN SUPPORTS
722	APARTMENT HOUSE SIGNS
723	OFFICE BUILDINGS, COMMERCIAL, OR INDUSTRIAL USES
724	RESIDENTIAL OR SPECIAL PURPOSE DISTRICT LIMITATIONS

CHAPTER 8: DESIGNATED ENTERTAINMENT AREA SIGNS

800	APPLICABILITY
801	PERMITTING AND ENFORCEMENT OFFICIALS
802	APPLICANT QUALIFICATIONS
803	PERMIT APPLICATION PROCESS
804	ACTION ON A PERMIT APPLICATION
805	GENERAL DEA REQUIREMENTS
806	SPECIFIC LOCATION REQUIREMENTS

CHAPTER 9: SPECIAL SIGNS

900	APPLICABILITY
901	PERMITTING AND ENFORCEMENT OFFICIALS
902	<u>APPLICANT QUALIFICATIONS FOR TRANSFER OF LOCATION PERMITS REQUIRED</u>
903	<u>TRANSFER OF LOCATION SPECIAL SIGN</u> PERMIT APPLICATION PROCESS
904	<u>SPECIAL SIGN ARTWORK PERMIT APPLICANT QUALIFICATIONS</u>
905	<u>LOCATION LIMITATIONS ON SPECIAL SIGNS ARTWORK PERMIT</u>
906	<u>INSTALLATION LOCATION LIMITATIONS ON SPECIAL SIGNS</u>
907	<u>ILLUMINATION INSTALLATION</u>
908	<u>TRANSFERABILITY OF SPECIAL SIGNS ILLUMINATION</u>
909	<u>REMOVAL TRANSFERABILITY OF SPECIAL SIGNS</u>
910	<u>NONCONFORMING SPECIAL SIGNS REMOVAL</u>

CHAPTER 10: BILLBOARDS ON PRIVATE PROPERTY

1000	APPLICABILITY
1001	PERMITTING AND ENFORCEMENT OFFICIALS
1002	PERMITS FOR NEW BILLBOARDS PROHIBITED
1003	PERMITS FOR AUTHORIZED BILLBOARDS
1004	AUTHORIZED LIST OF BILLBOARDS
1005	RAZED, DEMOLISHED, OR REMOVED BILLBOARDS
1006	UNAUTHORIZED BILLBOARDS
1007	MAINTENANCE AND REPAIR

CHAPTER 11: ADDITIONAL STRUCTURAL AND TECHNICAL REQUIREMENTS

1100	APPLICABILITY
1101	GENERAL REQUIREMENTS
1102	STRUCTURAL AND MATERIAL REQUIREMENTS
1103	COMBUSTIBLE AND INCOMBUSTIBLE MATERIALS
1104	GLASS
1105	ELECTRICAL
1106	ANIMATED DEVICES

CHAPTER 12: ENFORCEMENT AND ADJUDICATION

1200	GOVERNING AUTHORITY
1201	SCHEDULE OF INFRACTIONS AND FINES

CHAPTER 13: FEES

1300	DCRA FEES
1301	DDOT FEES
1302	OP AND HPO FEES

CHAPTER 99: DEFINITIONS

9900	DEFINITIONS
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CHAPTER 1 PURPOSE AND SCOPE

100 PURPOSE

100.1 Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and other public and private places.

100.2 Signs are used by individuals and public, private, and government organizations to communicate information to the public. Signs are vital to a healthy business environment and civic communications. They can create a vibrant sense of place and foster economic development. However, the unregulated construction, placement, and display of signs may constitute a public nuisance detrimental to the health, safety, convenience, and welfare of the residents of the District of Columbia.

100.3 The purpose of this title is to establish reasonable and impartial regulations for all signs, whether exterior signs or interior signs intended to be visible from the outside, on public space or on private property. These regulations regulate the display of signs to convey information; maintain the health, safety, convenience, and welfare of residents and businesses of the District; and improve the overall visual appearance of outdoor space throughout the District.

100.4 These regulations do not apply to interior signs that are not intended to be visible from the exterior of the building in which they are displayed. Such signs remain subject to all other applicable statutes and regulations.

100.5 These regulations are further intended to:

- (a) Reduce the traffic hazards caused by signs that may distract, confuse, or impair the vision of motorists and pedestrians, and ensure the effectiveness of traffic signs and signals;
- (b) Protect property values by ensuring the compatibility of signs with the property surrounding them;
- (c) Provide an attractive visual environment throughout the District;
- (d) Allow for the reasonable promotion of commerce and expression of business identification;

(e) Provide for distinctive signage in areas of the city that have been identified for this type of sign through District planning documents because they are major entertainment and other areas suitable for signage, when not in conflict with this title or any other federal or local law;

[Comment - This provision is stated too narrowly and is inconsistent with the overall policy in the draft regulations of permitting various types of signage in different areas besides just entertainment areas where specific categories of signs appropriate.]

- (f) Ensure compliance with federal laws and Federal Highway Administration regulations and memoranda;
- (g) Protect the public investment in streets, highways and other public improvements; and
- (h) Protect and improve the public health, safety, and general welfare.

100.6 The regulations in this title advance these governmental interests and objectives and are the minimum amount of regulation necessary to achieve them.

101 SCOPE

101.1 This title governs the display of signs on private property and on public space, except those displayed by the District of Columbia or the United States in furtherance of their governmental responsibilities, those permitted by contracts or legal agreements with the District of Columbia government, those displayed on the interior of a building that are not intended to be visible from the exterior, and those otherwise required by law to be displayed.

101.2 This title shall supplement any additional, relevant provisions stated elsewhere in District law.

CHAPTER 2 GENERAL PROVISIONS

200 PERMITTING AND ENFORCEMENT OFFICIALS

200.1 Unless otherwise specifically stated, the permitting and enforcement officials responsible for issuing permits and enforcing the rules for signs subject to this title shall be the persons designated in the chapters governing the particular types of signs, or their designees.

201 PERMIT REQUIRED

201.1 Unless specifically exempted in this title, no sign shall be displayed without a permit issued in accordance with this title. Signs with an area no greater than one square foot (1 sq. ft.) shall be exempt from the permit requirement of this title.

201.2 Every sign for which a permit is issued shall be marked with the permit number and the date of the permit's issuance in letters not less than one inch (1 in.) in height. This information shall be displayed in the lower right corner of the sign.

201.3 Any non-commercial message may be substituted for the content of any commercial message on any sign allowed under this title.

202 PERMIT APPLICATION PROCESS

202.1 A permit application shall be made in a form required by the permitting official and in accordance with the chapters governing the particular types of signs in this title.

202.2 A permit application shall be considered officially submitted when the application has been fully completed, all information and drawings required by this title and the permitting official have been provided, and all application fees have been paid.

[Comment - The proposed regulation specifies the information required for specific permits. That is the purpose of the regulation and permitting officials should not be given the discretion to add additional (and possibly unreasonable) requirements.]

203 ACTION ON A PERMIT APPLICATION

203.1 The permitting official shall approve or deny the permit application within the time frames stated in the applicable chapters of this title or within such period as the applicant and the permitting official may agree to establish for the review.

203.2 If the permitting official denies a permit application under any chapter of this title, the permitting official shall state the basis for the denial in writing, including references to the statutory or regulatory provisions that would be violated if the permit were granted. The permitting official shall notify the applicant in writing of the reason(s) for the denial no later than fourteen (14) days after the application is officially denied.

204 COMPLIANCE WITH CONSTRUCTION CODES

204.1 No sign may be displayed unless it complies with the most currently adopted version of the District of Columbia Construction Codes, Title 12 DCMR. Compliance may require that, in addition to any ~~the~~ permits required by this title, a permit be obtained from the Construction Codes code official.

CHAPTER 3 SIGNS SUBJECT TO REVIEW BY THE COMMISSION OF FINE ARTS

300 APPLICABILITY

- 300.1 This chapter shall govern signs that are subject to additional review by the Commission of Fine Arts (Commission).
- 300.2 Signs are subject to review by the Commission when they are on buildings or land within the following areas:
- (a) The area controlled by An Act To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital (Old Georgetown Act), approved September 22, 1950 (64 Stat. 904; D.C. Official Code § 6-1201 *et seq.* (2008 Repl.)); and
 - (b) The area controlled by An Act To regulate, the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital (Shipstead-Luce Act), approved May 16, 1930 (46 Stat. 366; D.C. Official Code § 6-611.01 *et seq.* (2008 Repl)).

301 PERMITTING AND ENFORCEMENT OFFICIALS

- 301.1 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on private property subject to review by the Commission shall be the Director of the Department of Consumer and Regulatory Affairs (DCRA).
- 301.2 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on public space subject to review by the Commission shall be the Director of the District Department of Transportation (DDOT).

302 PERMIT REQUIRED

- 302.1 Signs in areas subject to review by the Commission shall require a permit, except temporary signs on public space, real estate signs, and non-commercial signs pursuant to §§ 602, 706.2, 706.3, and 713.1.

303 PERMIT APPLICATION PROCESS

- 303.1 An application for a permit under this chapter shall be made in a form required by the permitting official and shall be accompanied by:

- (a) Drawings in triplicate, drawn to scale, showing the details of construction, dimensions, lettering, and method of attachment of the sign;
- (b) A statement of the width of the premises or the width and height of the building, or any other dimensions deemed necessary by the permitting official to determine the allowable area of the sign;
- (c) Specifications or other information covering the type and thickness of materials for the sign and its supports; and
- (d) Any other applicable permit requirements required by this title.

303.2 The application shall be submitted to the permitting official who shall, no later than ~~ten (10) thirty (30)~~ days after receipt, refer the application to the Commission for review and comment.

303.3 For applications subject to the Shipstead-Luce Act, the Commission shall issue a report to the permitting official within thirty (30) days after receipt, and for applications subject to the Old Georgetown Act, the Commission shall issue a report to the permitting official within ~~thirty (30) forty-five (45)~~ days after receipt.

[Comment - This period should be shortened to a maximum period of ten days in which to make the referral and a maximum of thirty days for the Commission to issue its report. The same schedule should apply to all application referrals under this title.]

303.4 The permitting official may issue a permit if no report is received from the Commission within the timeframes stated in § 303.3; provided, that the sign is in compliance with all other applicable provisions of this title. In any event, the permitting official shall issue the final determination within twenty (20) days after the date on which the Commission's report is due.

303.5 Additional information and guidelines not required under this title but required by the Commission for their review of sign applications may be available directly from the Commission.

304 PROHIBITED SIGNS

304.1 Special Signs, billboards, signs on roofs, flashing neon signs, and electronic signs are prohibited in the area controlled by the Old Georgetown Act. ~~Television and video monitors in storefront windows shall be limited to no more than twenty percent (20%) of the area of the window in which the television or monitor is to be displayed.~~

[Comment – This provision is but one example of a flaw that runs through various chapters of this title. This proposed regulation specifically prohibits

“electronic signs”, but permits “television and video monitors”, and “digital signs” among others without providing any basis for the difference in treatment. This lack of clarity is compounded in subsequent provisions that either authorize or prohibit “variable message signs”. That term is defined in chapter 99 in terms of the manner in which text and images can be displayed, but that definition does not explain whether either a television, a video monitor, or an electronic sign is considered to be a “variable message sign”. Additionally, the definition of “variable message sign” is unclear and internally inconsistent because the definition includes “three dimensional, moving rotating and flashing, animated or digitally changing images or text”, but then excludes “full motion video signs” which would have exactly the same characteristics.

It is unclear why electronic signs are prohibited in the Georgetown area, but equally intrusive television and video monitors are permitted, even though televisions and video monitors can be used as variable message signs or are limited in some other way. Because there is no substantial difference between the two, both electronic signs and television and video monitors should be prohibited in Georgetown.]

305 PERMITTED SIGNS AND REQUIREMENTS

305.1 The following signs in areas subject to review by the Commission are allowed, if they comply with all other applicable provisions of this title:

- (a) Single-faced signs on the exterior walls of buildings that project no more than twelve inches (12 in.) beyond the building or building restriction line;
- (b) Signs flat against awnings;
- (c) Signs on a show window, or any other window that abuts or overlooks a street or public way; provided, that the signs have an aggregate area of not more than twenty-five square feet (25 sq. ft.) per business or are less than or equal to twenty percent (20%) of the area of the window, whichever is less

[Comment - See comment to 304.1 above.]; and

- (d) Other signs consistent with this title and not otherwise prohibited by this chapter.

305.2 The aggregate area of all signs associated with any one (1) business or entity on a building or premises shall be limited to twenty-five square feet (25 sq. ft.) per street frontage.

305.3 Illuminated signs shall be freestanding, back-lighted, have opaque letters, be illuminated by steady light, and not contain exposed sources of illumination.

305.4 All signs shall be stationary.

306 EXCEPTIONS

306.1 When the Commission finds that a sign or the conditions surrounding a sign subject to this chapter justifies granting an exception from any of the requirements of this chapter, and the Commission further finds that granting such an exception will not impair the intent and purpose of this chapter or of the Old Georgetown Act or the Shipstead-Luce Act, the Commission may notify the permitting official of its support of such an exception. The permitting official may approve an application to erect a sign not conforming to these requirements pursuant to the Commission's recommendation if the sign satisfies all other requirements of this title.

CHAPTER 4 SIGNS SUBJECT TO REVIEW BY THE HISTORIC PRESERVATION REVIEW BOARD

400 APPLICABILITY

400.1 This chapter shall govern signs:

- (a) On buildings or land within a historic district designated by the Historic Preservation Review Board (HPRB);
- (b) On buildings or land designated as a historic landmark by the HPRB; and
- (c) As required in Title 10-C DCMR and by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979, (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.* (2008 Repl. and 2012 Supp.)) (Historic Preservation Act).

400.2 Signs governed by this chapter shall be subject to the review and recommendations of either the HPRB or the Historic Preservation Office (HPO) under delegated authority established in Title 10-C DCMR.

400.3 Proposed sign location and design shall be evaluated against the principles, standards and design guidelines in Title 10-C DCMR Chapter 25, and the HPO and the HPRB shall refer to these principles, standards, and design guidelines when reviewing an application for a sign or sign master plan.

400.4 Signs and related building features subject to the jurisdiction of the Commission shall be reviewed by the Commission in addition to the HPRB.

401 PERMITTING AND ENFORCEMENT OFFICIALS

401.1 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this chapter for signs on private property subject to review by the HPRB shall be the Director of DCRA.

401.2 The permitting and enforcement official responsible for issuing and enforcing the provisions of this chapter for signs on public space subject to review by the HPRB shall be the Director of DDOT.

402 PERMIT APPLICATION PROCESS

402.1 A permit application under this chapter shall be made in a form required by the permitting official and shall be accompanied by:

- (a) Scaled or dimensioned drawings, in triplicate unless submitted electronically, showing the following:
 - (1) The proposed sign accurately indicating dimensions, materials, colors, graphics, copy, lettering, and type of illumination; and
 - (2) Details of construction and method of attachment of the sign;
- (b) A statement of the width of the premises or the width and height of the building, and any other dimensions the permitting official deems necessary to determine the allowable area of the sign;
- (c) Photographs adequate to document the building or site's existing appearance. These photographs shall clearly show the building or site, the entire façade, and include close-ups of the area where work is proposed;
- (d) Scaled or dimensioned plans, photo illustrations, or elevation drawings as necessary to show the proposed sign as it would appear on the building or site;
- (e) A section drawing, if the sign is to be installed or made part of an awning, canopy, or marquee;
- (f) Specifications or other information covering the type and thickness of materials for the sign and its supports;

- (g) If requested, a sample of the finish material(s); and
- (h) The period of time, up to one hundred eighty (180) days, during which any proposed temporary sign will be displayed and a written acknowledgement by the permit applicant that the permit for a temporary sign is not valid beyond its stated duration-**[This provision should be moved to section 405, below.]**

402.2 The application shall be submitted to the permitting official who shall refer the application within ~~thirty (30)~~ **ten (10)** days of receipt to the HPRB through the HPO for review.

[Comment - There is no reason why the permitting official cannot complete the wholly administrative action of making the referral within ten days after receipt.]

~~402.2~~**402.3** Upon receipt of the permit application and the results of any required review by the Commission, the HPRB, or HPO if so delegated, shall review the application and take action as appropriate.

402.4 If the application is consistent with the appropriate standards, guidelines, and delegation of authority established by the HPRB, the HPO shall clear the application for issuance and return the application to the permitting official within thirty (30) days.

[Comment - .Sections 402.2 and 402.3 combine to produce an up to 60 day review period for an application that fails to raise any substantive issues. See comment to section 303.3]

~~402.3~~**402.5** If the application is not consistent with standards, guidelines, or delegation of authority established by HPRB, or otherwise does not meet the requirements of this chapter, and the HPO is not able to resolve the deficiencies directly with the applicant, the HPO shall prepare and forward the case for review by the HPRB pursuant to Title 10-C DCMR.

~~402.4~~**402.6** If cleared for issuance by HPRB, the HPO shall return the application to the permitting official within fifteen (15) days. If not cleared for issuance by the HPRB, the HPO shall notify the applicant of their right to request a hearing before the Mayor's Agent pursuant to Title 10-C DCMR.

~~402.5~~**402.7** No sign permit may be issued by the permitting official if none of the HPO, HPRB, and Mayor's Agent has cleared the application for issuance.

~~402.6~~**402.8** If there is a conflict between the requirements of this title and the requirements of Title 10-C, the more restrictive shall apply.

403 PROHIBITED SIGNS

403.1 Billboards ~~and Special Signs~~ are prohibited on historic landmarks and in historic districts.

[Comment – Section 906.1(e) sets forth the specific provisions governing the location of Special Signs in, or contiguous to, Historic Districts. The reference to Special Signs is therefore omitted from this section.]

~~403.1~~403.2 Signs on roofs and variable message signs are prohibited on historic landmarks and in historic districts, except for vintage, historic, or replica signs as provided for in 10-C DCMR § 2513.

~~403.2~~403.3 Televisions and video monitors are prohibited as signs on the exterior of historic landmarks and in historic districts.

403.4 Digital signs and video monitors in storefront windows shall be limited to no more than twenty percent (20%) of the area of the window in which the television or monitor is to be displayed.

[Comment - See Comment to section 304.1. regarding issues pertaining to “digital signs” and video monitors. In addition there is nothing in the proposed definitions that explain what a “storefront window” is, or how a show window differs from a “storefront window.”]

404 MASTER PLANS FOR SIGNS

404.1 The development of a coordinated master plan for signs is encouraged where a building, complex, or institution houses multiple tenants or activities requiring several signs, or where signs will be installed on multiple properties that are historically or architecturally related.

404.2 A master plan for signs shall be submitted to the HPRB for review according to the provisions for concept design review outlined in 10-C DCMR, Chapter 3.

404.3 If the HPRB approves a sign master plan to be in effect for a specific period, the HPO shall adhere to the provisions of the plan in approvals for the duration of the plan.

405 TEMPORARY SIGNS

405.1 HPO shall apply the criteria in this section when reviewing temporary signs under the authority delegated in 10-C DCMR § 320. Notwithstanding § 602 of this title, temporary signs on public space requiring review by the HPO or HPRB shall require a permit if they are larger than one square foot (1 sq. ft.) in area.

405.2 HPO shall routinely recommend approval of temporary signs to be installed for less than ninety (90) days or a temporary sign that is less than twenty square feet (20 sq. ft.) in area; provided that any such sign is installed in a manner that does not cause permanent damage to the historic property.

405.3 HPO shall review temporary signs that do not meet the standards of § 405.2 according to the standards and criteria for permanent signs.

405.4 HPO may recommend flexibility in the application of this section to the permitting official regarding the size, placement, type, shape, and material as necessary to prevent a temporary sign from causing permanent damage to a historic property; provided, the change is consistent with the intent and conditions of this title, or principles, standards, and design guidelines in Title 10-C DCMR Chapter 25.

405.5 HPRB may recommend denial of a temporary sign permit if the sign is incompatible with the architecture and characteristics of the building, site, or district, or if its installation is likely to cause permanent damage to the historic property.

406 SIGNS ON AWNINGS AND CANOPIES

406.1 Signs identifying the name or trade of an occupant may be placed on an approved awning or canopy.

406.2 Signs on awnings shall be consistent with the following criteria:

- (a) Signs on the valance of an awning shall be limited to lettering and logos no taller than twelve inches (12 in.);
- (b) A logo may be permitted on the slope of an awning; and
- (c) A sign on the valance of an awning shall not be illuminated, except that unobtrusive storefront lighting fixtures may be attached to the underside of an awning.

406.3 Signs on canopies shall be consistent with the following criteria:

- (a) Signs identifying the name or trade of an occupant shall not be permitted on the side of a canopy facing the direction of pedestrian travel along a sidewalk; and

(b) Signs on a canopy shall not be illuminated.

CHAPTER 5 CHINATOWN DISTRICT REVIEW PROCEDURES

500 APPLICABILITY

- 500.1 This chapter shall govern signs on buildings or land within Chinatown, being that area bounded by Mount Vernon Square, Massachusetts Avenue, NW, 5th Street, NW, G Street, NW, and 8th Streets NW, as defined by Title 10-B DCMR Chapter 24.
- 500.2 Signs subject to this chapter shall be subject to the review and recommendations of the Office of Planning (OP).
- 500.3 Proposed sign location and design shall be reviewed and evaluated by the OP, the Chinatown Steering Committee, and other relevant agencies, against the principles, standards, and design guidelines in Title 10-B DCMR, Chapter 24 and this chapter.
- 500.4 This chapter does not apply to federally owned properties within Chinatown.

501 PERMITTING AND ENFORCEMENT OFFICIALS

- 501.1 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on private property in Chinatown shall be the Director of DCRA.
- 501.2 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on public space in Chinatown shall be the Director of DDOT.

502 PERMIT APPLICATION PROCESS

- 502.1 A permit application under this chapter shall be made in a form required by the permitting official and shall be accompanied by:
- (a) Eight (8) copies of scaled or dimensioned drawings, showing the following:
 - (1) Plans and elevations of the proposed sign accurately indicating dimensions, materials, colors, graphics, copy, lettering, and type of illumination; and

- (2) Details of construction and the method of attachment of the sign;
- (b) A statement of the width of the premises or the width and height of the building, and any other dimensions the permitting official deems necessary to determine the allowable area of the sign;
- (c) Photographs adequate to document the building or site's existing appearance. These photographs shall clearly show the building or site, the entire façade, and include close-ups of the area where work is proposed;
- (d) A section drawing, if the sign is to be installed or made part of an awning, canopy, or marquee;
- (e) If the project is within the historic district, a statement setting forth the historic preservation constraints on Chinese design character and how Chinese design character has been accommodated within those constraints to achieve an appropriate balance between potentially competing objectives;
- (f) Specifications or other information describing the type and thickness of materials for the sign and its supports;
- (g) If requested, a sample of the finish material(s);
- (h) The names and addresses of all owners or their authorized agents;
- (i) A statement setting forth the relationship of the proposed sign to the objectives of the Chinatown Design Guidelines Study Report; and
- (j) A general statement of the approximate schedule of the signs' installation.

502.2 The application shall be submitted to the permitting official who shall refer the application within ~~thirty (30) ten (10)~~ days of receipt to the HPRB through the HPO if in an historic district, or to OP for review and comment. Review by the HPRB and the HPO shall take place in accordance with Chapter 4.

502.3 Upon receipt of the permit application, the Director of OP shall determine if a design review is necessary. If a design review is unnecessary, OP shall notify the permitting official within twenty (20) days that the application has been cleared for issuance.

502.4 If a design review is necessary, OP shall complete the review process and make appropriate written recommendations within ~~thirty (30) sixty (60)~~ days from receipt of the referral of the application from the permitting official all required information necessary to perform the review.

~~502.5 The review may be extended by no more than four (4) one (1) additional thirty (30) day extensions subject to written notice to the applicant. Any additional extensions may be allowed when agreed to by the applicant.~~

[Comment - The time limits on Chinatown District review have been revised to conform to the time limits for reviews of the other reviews proposed in these comments of ten (10) days for referral, thirty (30) days for review , and twenty (20) days for final determination by the permitting official.]

502.6 The Director of OP shall provide written notice of all extensions to the Directors of DCRA and DDOT and to the Chinatown Steering Committee.

502.7 Notice and coordination of design review shall be subject to title 10-B DCMR, Chapter 24 and Chapter 6 of this title.

CHAPTER 6 SIGNS ON PUBLIC SPACE

600 APPLICABILITY

600.1 This chapter shall govern all temporary and permanent signs on public space in the District, except those an authorized District government agency installs for public safety, traffic management, parking regulation, or another regulatory purpose, or otherwise provided by contractual agreement between the District and a private party.

[Comment – The revision excludes signs that are authorized and separately controlled pursuant to District law, or which may be subject of separate agreements between the District and a third party that include provisions governing signage.]

601 PERMITTING AND ENFORCEMENT OFFICIALS

601.1 The permitting official responsible for issuing permits for signs on public space shall be the Director of DDOT. The enforcement officials responsible for enforcing the provisions of this title for signs on public space shall be the Director of DDOT, and for violations of §§ 605.1 through 605.7 and 606, the Director of the Department of Public Works (DPW).

602 PERMIT REQUIRED

602.1 All signs on public space shall require a permit except temporary signs governed by § 605 that are not subject to review by the HPRB or HPO pursuant to section § 405.1.

603 PERMIT APPLICATION PROCESS

603.1 An application for a permit under this chapter shall be made in a form required by the permitting official and shall be accompanied by:

- (a) The name, address, telephone number, and email address of the applicant and the adjacent property owner;
- (b) The size of the sign, the location where the sign will be placed, and whether any lights will be used to illuminate the sign, including electronic signs or lights embedded in the sign; and
- (c) Any other material required by this title, DDOT, or the Public Space Committee.

603.2 In addition to the permit application requirements stated in § 603.1, an applicant for a freestanding sign permit shall:

- (a) Demonstrate that the applicant is the owner of the business where the sign will be displayed; and
- (b) Provide design specifications showing that the sign complies with the standards stated in § 606.

603.3 In addition to the permit application requirements stated in § 603.1, an applicant for a banner permit shall:

- (a) Send copies of all proposed banners electronically to the permitting official;
- (b) Specify whether the applicant intends to install banners for another group, organization, or business and, if so, list the other entities;
- (c) Provide banner design, mounting hardware specifications, and décor rigger information with the application. Mounting hardware specifications shall include cast 535 almag or 356-T6 aluminum with a facing plate that will accommodate square, round, or fluted pole shapes. The mounting hardware shall be constructed of corrosion-resistant material;

- (d) Secure a public space electrical permit if electrical service is required. All electrical work shall comply with the most currently adopted version of the District of Columbia Construction Codes, Title 12 DCMR;
- (e) Secure an agreement with the electric supplier for energy usage and present it with the application;
- (f) Provide a site map or plan showing the location of poles, including pole numbers, where the applicant proposes to mount banners; and

~~(g)~~ Show proof of insurance to indemnify the District for property damage and personal injury resulting from the installation or removal of the banners.

~~(h)~~~~(g)~~ 603.4 In addition to the permit application requirements stated in § 603.1, an applicant for a permanent sign permit shall:

- (i) Demonstrate that the applicant is the owner of the business where the sign will be displayed;

- (j) Provide design specifications showing that the sign complies with the standards stated in § 608.

604 ACTION ON A PERMIT APPLICATION

604.1 The permitting official shall within ten (10) days after receipt refer all applications for permits for permanent signs on public space to the Public Space Committee which shall complete its review and issue its decision within thirty (30) days.

604.2 The permitting official shall approve or deny an application for a permanent sign on public space within fifteen (15) days of receipt of the decision of the Public Space Committee.

604.3 For all other applications for signs on public space, the permitting official shall approve or deny the application within thirty (30) days of receipt of the application.

605 TEMPORARY SIGNS ON PUBLIC SPACE

605.1 It shall be unlawful to affix a temporary sign to any fixture on public space, or to displayplace a sign on public space, except as provided in this section.

[Comment – The purpose of this chapter as stated in section 600 is to regulate signs that are physically “on” public space. The use of the term “display” is confusing and potentially places this section in conflict with the several sections of these regulations that authorize window, and other exterior signs, all of which display messages that can be viewed on public space.]

- 605.2 No temporary sign that relates to the sale of goods or services shall be affixed to a fixture on public space or displayed in any manner on public space.
- 605.3 A temporary sign that is not prohibited by § 605.2 may be affixed to a fixture on public space or displayed on public space for no more than one hundred eighty (180) days. Signs allowed under this section shall not be displayed in a public parking by anyone other than an owner or occupant of the adjacent building.
- 605.4 A temporary sign that is related to a specific event shall be removed no later than thirty (30) days following the event to which it is related. This does not extend the time limit designated in § 605.3.
- 605.5 Temporary signs authorized by § 605.3 shall:
- (a) Be no larger than six square feet (6 sq. ft.)
 - (b) Be affixed or displayed securely to avoid being torn or disengaged by normal weather conditions;
 - (c) Not be affixed by adhesives or by any other method that is likely, either in the installation or removal, to damage the fixture; and
 - (d) Not block or actively interfere with any portion of the pedestrian or vehicular public right of way.
- 605.6 No more than three (3) versions or copies of a temporary sign shall be displayed on one (1) side of a street within one (1) block. Temporary signs in a public parking that are displayed by an owner or occupant of the adjacent building are not subject to this restriction.
- 605.7 Temporary signs authorized by § 605.3 do not require a permit. Each of these signs shall contain the date upon which it was initially affixed to a fixture on public space or displayed on public space.
- 605.8 Temporary construction signs may be displayed, under permit, on public space on temporary barricades, covered walkways, construction offices, and public space between the building line and such structures.
- 605.9 The total area of temporary construction signs shall be a maximum of two square feet (2 sq. ft.) for each foot of street frontage of the lot, with a maximum area of

forty square feet (40 sq. ft.) for residentially zoned property and two hundred square feet (200 sq. ft.) for commercially zoned property. An additional five square feet (5 sq. ft.) of sign area shall be permitted on barricades to identify each adjoining premises or business.

606 FREE STANDING SIGNS ON PUBLIC SPACE

- 606.1 It shall be unlawful to place a freestanding sidewalk sign on public space without a permit or authorization under the valet space regulations set out at 18 DCMR § 2409.
- 606.2 Permits may be issued only for valet parking signs and signs authorized under §§ 606.3 and 606.6.
- 606.3 The owner or occupant of a business premise may, during the time the establishment is open for business, use the space in front of the building, up to three feet (3 ft.) from the building wall, for the display of one (1) freestanding sidewalk sign (A-frame, sandwich board, or other portable unlit sign). The sign shall:
- (a) Be secured from blowing over in inclement weather either by attachment to the building, by weight at the bottom, or by another method; and
 - (b) Not be attached by post, pole, chain, or any other method to the sidewalk or any fixture on public space.
- 606.4 Signs displayed under § 606.3 shall:
- (a) Be no taller than four feet (4 ft.), including the height of any post or stand used to display or secure the sign;
 - (b) Be no wider than thirty inches (30 in.);
 - (c) Advertise only those goods, wares, merchandise, or services provided within the establishment; and
 - (d) Display the permit number of the permit authorizing the sign in public space. The lettering for the permit number shall not be less than one inch (1 in.) in height.
- 606.5 Signs placed on public space under § 606.3 shall not reduce the clear pedestrian path to less than ten feet (10 ft.) in the Central Business District as defined in 18 DCMR § 9901 nor to less than six feet (6 ft.) in all other areas of the District. The clear pedestrian path shall be a continuous section of sidewalk running parallel to the curb.

606.6 Freestanding sidewalk signs not more than six square feet (6 sq. ft.) in area indicating the location of parking facilities for patrons of a business are allowed on public space under permit, subject to the restrictions of this section.

606.7 Freestanding sidewalk signs indicating the location of a public market are allowed to be displayed on public space without a permit, during the time of the operation of the public market, subject to the restrictions of this section.

607 BANNERS

607.1 No banner shall be ~~displayed~~placed on public space without a permit. Banners attached to private property that extend over public space must be approved by all relevant permitting officials.

[Comment – See Comment at section 605.1.]

607.2 Banners shall not extend over public space more than forty-two inches (42 in.), or be maintained less than fourteen feet (14 ft.) above public space or a public parking.

607.3 The permitting official may issue a permit to erect a banner, ornament, or set of lights between lampposts or across a street or avenue between buildings or lampposts; provided, that these objects do not obstruct the free passage of pedestrian or vehicular traffic.

607.4 It shall be unlawful to attach any electrical wiring, lighting, banners, or other similar objects to trees on public space.

607.5 Supports for banners shall be rigid. Banners shall be installed by licensed riggers.

607.6 The primary purpose of a banner shall be to serve a public, civic, cultural, neighborhood or community interest.

607.7 Sponsor logos may occupy up to ten percent (10%) of the lower portion of a banner.

607.8 Supports for pendant poles, as defined in the Standard Specifications for Highways and Structures, shall have a minimum of sixteen feet (16 ft.) clearance from the bottom of the lower arm to the bottom of the banner.

607.9 For Twin 20 street light poles, as defined in the Standard Specifications for Highways:

- (a) A banner located on the pedestrian walkway side of the pole shall not exceed two feet (2 ft.) wide by four feet (4 ft.) high and shall have an absolute minimum of twelve feet (12 ft.) clearance from the bottom of the banner.
- (b) A banner located on the roadway side of the pole shall not exceed one and one half feet (1.5 ft.) wide by three feet (3 ft.) high and shall have an absolute minimum of fourteen feet (14 ft.) clearance from the bottom of the banner.

607.10 For #18 street light poles, as defined in the Standard Specifications for Highways and Structures:

- (a) The banner located on the pedestrian walkway side of the pole shall not exceed two feet (2 ft.) wide by four feet (4 ft.) high and shall have an absolute minimum of twelve feet (12 ft.) clearance from the bottom of the banner.
- (b) The banner located on the roadway side of the pole shall not exceed one and half feet (1.5 ft.) wide by two feet (2 ft.) high and shall have an absolute minimum of fourteen feet (14 ft.) clearance from the bottom of the banner.

607.11 For #16 street light poles, as defined in the Standard Specifications for Highways and Structures:

- (a) The banner located on the pedestrian walkway side of the pole shall not exceed two feet (2 ft.) wide by two and one half feet (2.5 ft.) high and shall have an absolute minimum of eleven feet (11 ft.) clearance from bottom of the banner.
- (b) The banner shall not be attached on the roadway side for this type of pole.

607.12 Banners shall not be attached to fiberglass poles.

607.13 The owner of a permitted banner shall notify the permitting official when the banner has been removed. If, upon inspection, there is damage to one (1) or more poles, the owner shall pay the permitting official for the cost of repairing the damage.

607.14 The owner of a permitted banner shall follow a typical traffic control plan, issued by the permitting official, for the use of curb space during banner installation. No work may take place in travel lanes during rush hours.

608

PERMANENT SIGNS ON PUBLIC SPACE

608.1 It shall be unlawful to affix a permanent ~~sign~~ to any fixture on public space, or to ~~display~~ place a permanent sign on public space, ~~except~~ as provided in this section.

[Comment – See comment to section 605.1 regarding use of the word “display”.]

608.2 No permanent sign shall be ~~placed~~ ~~displayed~~ on public space without a permit. All such signs are subject to the review and approval of the Public Space Committee.

608.3 Bulletins shall:

- (a) Announce non-commercial events that are open to the public or of general interest;
- (b) Be located on a public parking;
- (c) Not exceed twenty square feet (20 sq. ft.) in area; and
- (d) Be supported on posts or pilasters or included in a monument sign that does not exceed forty-two inches (42 in.) in height, including the height of any post or stand used to display or secure the sign.

608.4 Public Facility Signs, such as signs and nameplates for public schools, libraries, recreation centers, and parks, are allowed on public space subject to permit and the following conditions:

- (a) The text of the sign is limited to the name of the facility and street number;
- (b) The sign faces the street or streets upon which entrances to the facility are located; and
- (c) The area of the sign does not exceed forty square feet (40 sq. ft.); or
- (d) The sign is a small sign, not more than six square feet (6 sq. ft.) in area, that is displayed on public space at entrance driveways.

608.5 Neighborhood Signs that promote neighborhood identity and are sponsored by non-government organizations are allowed on public space, subject to permit and the following conditions:

- (a) The signs are located at the boundaries of a neighborhood;
- (b) No more than four (4) signs are displayed for each neighborhood;
- (c) The signs are either twenty-four inches (24 in.) by twenty-four inches (24 in.), or forty inches (40 in.) by seventy-two inches (72 in.); and
- (d) The signs are supported by posts or pilasters or are included in a monument sign that does not exceed forty-two inches (42 in.) in height, including the height of any post or stand used to display or secure the sign.

608.6 Signs for each school, college, hotel, philanthropic institution, non-profit organization, hospital, residential care facility, or church, shall be limited to a total area not to exceed forty square feet (40 sq. ft.).

608.7 When approved by the permitting official, a nameplate or nameplates, each plate not more than six square feet (6 sq. ft.) in area, shall be allowed on the public parking at entrance driveways, upon recommendation of the Public Space Committee. The area of the nameplates shall not be counted towards the limits on total sign area specified in § 608.6.

609 SIGNS ON VEHICLES

609.1 Unless otherwise specifically allowed by law, no advertising sign shall be transported over public space, except signs displayed on motor vehicles that advertise the *bona fide* business of the owner. No full motion video displays may be affixed to any part of a motor vehicle.

609.2 Notwithstanding § 609.1, the sale and use of commercial revenue advertising space on the rear and side exteriors, or entire exterior surfaces of ~~Metrobus~~ public transit ~~buses~~ buses ~~vehicles including those~~ under the control and operation of the Washington Metropolitan Area Transit Authority (WMATA) and on private tourism service buses shall be allowed for such vehicles operating on public space within the District of Columbia, subject to the following conditions:

- (a) No advertisement shall be displayed that violates this title or any other District or federal law.

(b) The rear and side exterior advertising space on at least five ~~ten~~ percent (5%) ~~(10%)~~ of the total number of ~~Metrobus~~ buses ~~vehicles utilized during any calendar year available~~ for public ~~transit~~ and/or tourism service operations for each operator shall be available ~~reserved~~ for District government non-political messages and advertisements regarding community, art, cultural, educational, and similar events.

[Comment – The proposed revisions clarify that the content requirement is applicable to those buses that are actually utilized in public space rather than the possible number that could be utilized, but are not actually used for advertising. The term “available” is used with respect to District government non-political messages to take into account that there may be insufficient demand for the space that is actually open for such announcements.]

609.3 Notwithstanding § 609.1, the sale and use of commercial revenue advertising space on pedicabs and other non-motorized vehicles shall be allowed, provided such advertising signs shall not:

(a) Extend past the frame of the vehicle; or

(b) Obstruct or interfere with any safety devices.

609.4 Notwithstanding § 609.1, the Director of DDOT may sell space on and within D.C. Circulator vehicles or other assets for the display of advertisements and enter into one or more agreements with entities to sell space on these vehicles or other assets in return for a fee, a percentage of such revenues, or as a gift or donation of services approved by the Mayor.

[Comment - The provisions as proposed create an unjustifiable advertising monopoly for Metro. By authorizing advertising on hundreds of Metro buses, while prohibiting advertising on tourism service buses, the proposed regulation operates at cross purposes with the stated regulatory purposes of the proposed regulation of limiting commercial advertising on vehicles and thereby violate protections on commercial speech. The proposed language would eliminate these defects by authorizing the display of limited advertisements on the very few additional specialized buses that are licensed by the District for the specific purpose of transporting tourists.]

610 ADDITIONAL RESTRICTIONS AND REQUIREMENTS

610.1 It shall be unlawful to place any advertising upon any sidewalk in any manner whatever, including but not limited to projecting images or shadows upon the sidewalk or the use of lenses or reflectors except as expressly permitted under District law regulations.

610.2 It shall be unlawful to deface any fixture on public space by use of lime, mortar, paint, ink, adhesive, chemical, chisel, or any other material or device.

610.3 It shall be unlawful to mark, paint, or engrave a sidewalk, roadway, curb, or any other surface on public space for the purpose of advertising.

- 610.4 Unless permitted by these regulations or the permitting official, it shall be unlawful to attach any guy-wire, rope, chain, or other object to a fixture on public space for the purpose of displaying a sign.
- 610.5 It shall be unlawful for any person, other than an employee or agent of the District, to climb or use any tool or equipment to scale a fixture on public space, without a permit.
- 610.6 It shall be unlawful to display material on any tree or in any tree box on public space except:
- (a) The Metropolitan Police Department (MPD) may display signs in the interest of public safety or crime investigation outside the drip line of the tree's canopy in a continuous tree strip, but never in the rectangular tree box space;
 - (b) Emergency No Parking or Reserved Parking signs may be displayed as authorized by the permitting official; and
 - (c) Temporary Road Work signs authorized by the permitting official may be displayed outside the drip line of the tree's canopy in a continuous tree strip, but never in the rectangular tree box space.
- 610.7 Any sign displayed on a tree in accordance with § 610.6 shall be affixed in a manner that does not puncture, strip, or otherwise harm the bark of the tree. Nailing, stapling, tacking, pasting, or similarly affixing any sign to a tree on public space is prohibited. The use of flagging ribbon or tape is permissible.
- 610.8 No sign shall be affixed to the front face or rear face of a regulatory sign on public space, or on any part of a traffic signal light or pole.
- 610.9 No sign shall be allowed on public space that pictorially represents the commission of or the attempt to commit a crime or depicting nudity (male or female genitals, pubic areas or buttocks with less than a fully opaque covering, female breasts with less than a fully opaque covering on any part of the areola or nipples, or the covered genitals in a discernibly turgid or other recognizable state) or sexual intercourse or other sexual acts.

CHAPTER 7 SIGNS ON PRIVATE PROPERTY

700 APPLICABILITY

700.1 This chapter shall govern the display and maintenance of outdoor display signs and other forms of on premise ~~exterior~~ advertising.

[Comment – The proposed revision is intended to make clear what content, i.e. on premises advertising, is being authorized by this chapter. Additionally, a definition of the term “on premise” should be included in the definition section of the title. See additional comments at section 705.1.]

701 PERMITTING AND ENFORCEMENT OFFICIALS

701.1 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on private property shall be the Director of DCRA.

702 PERMIT REQUIRED

702.1 All signs on private space shall require a permit except signs governed by §§ 706.2, 706.6, and 713.1.

703 PERMIT APPLICATION PROCESS

703.1 An application for a permit under this chapter shall be made in a form required by the permitting official and shall include:

- (a) The name, address, telephone number, and email address of the applicant, sign company, and property owner;
- (b) Construction documents indicating the size of the sign, the location where the sign will be placed, the height of the sign, materials, and all electrical and structural details;

~~(c) (e)~~ Unless submitted electronically, four (4) sets of plans on at least eleven inch by seventeen inch (11 in. x 17 in.) paper.

704 ACTION ON A PERMIT APPLICATION

704.1 The permitting official shall review the permit application and issue a decision within thirty (30) days of submission.

[Comment - This proposed revision clarifies that the permitting official must make the decision to grant or to deny the application within 30 days.]

704.2 In addition to DCRA technical review and zoning review, the permit application may be subject to review by DDOT, OP, the Commission, or the National Capital Planning Commission (NCPC). Unless otherwise specified in this title, the permitting official shall refer all applications to such entities within ten (10) days after receipt of such application. The reviewing entity shall provide its report within thirty (30) days thereafter.

704.3 No application shall be deemed complete until all information required by this chapter is filed and all required fees are paid.

704.4 ~~The time frames included in this chapter shall not apply until the permitting official finds the application complete.~~

[Comment – Section 704.3 establishes a clear standard. This section introduces a subjective element and is unnecessary.]

704.5 Upon approval of all reviewing agencies, a sign permit application will be approved and a permit issued. All permits shall be valid for one (1) year, unless otherwise noted on the permit.

705 GENERAL REQUIREMENTS AND RESTRICTIONS

705.1 No on premise advertising sign shall be displayed on any surface or premises unless the sign advertises a *bona fide* business conducted on the premises for which a Certificate of Occupancy has been issued.

[Comment – Nowhere in the title is there a definition of the term “advertising sign”. The term “advertising sign is often used in the regulations of other cities to denote an “off premise” sign.]

705.2 No more than fifty percent (50%) percent of the area of an advertising on premise sign shall be used to advertise products or commodities, and these shall be items actually sold on the premises.

[Comment – In many municipal sign codes the term “advertising sign” is used to denote an off premise sign. In order to avoid that confusion, the term “advertising sign” is deleted and the defined term on premise sign is substituted.]

705.3 Sign permits shall be issued separately from building permits. No sign permit for a new building or alteration shall be issued until after the building permit has been issued.

- 705.4 Every sign shall be subject to inspection by the enforcement official.
- 705.5 All signs shall be maintained in a structurally sound condition. Any sign that is unsafe or not properly maintained shall be subject to removal.
- 705.6 All signs displayed without a required permit shall be deemed unauthorized and shall be subject to removal.

706 TEMPORARY SIGNS ON PRIVATE PROPERTY

- 706.1 Temporary sales or leasing signs indicating the availability of the new property on which they are displayed for sale or lease may be displayed subject to a permit for no more than one hundred eighty (180) days and shall contain the date of the sign's initial display.
- 706.2 Temporary directional signs indicating the holding of an event or a real estate open house at a particular property may be displayed without a permit; provided that these signs are first posted on the day of the event and are removed within one (1) hour after the event concludes.
- 706.3 Temporary business identification signs may be displayed, subject to a permit, on premises where building operations are being conducted. Permits shall be issued for these signs if they will be erected on temporary barricades, covered walkways, construction offices, or the public space between the building and the structure.
- 706.4 Temporary project identification signs may be displayed on construction sites, subject to a permit. These signs may contain the names and addresses of the engineers, architects, contractors, and financing institutions and may identify the project or purpose of the building. These signs shall be removed upon completion of the building operations, or sooner, if the enforcement official finds that removal is necessary to preserve the public health, safety, or welfare.
- 706.5 Banners attached to a building shall require a permit.
- 706.6 Non-commercial signs may be displayed on residential property or in a public parking by the owner or occupant of the property, or the owner or occupant of the property adjacent to the public parking, without a permit; provided, that:
- (a) The sign complies with the structural requirements stated in chapter 11 of this title;
 - (b) The sign is not:

(1) A roof sign;

[Comment – This provision creates a First Amendment conflict with section 709 which authorizes commercial roof signs. Under applicable

law, commercial speech cannot be favored over non-commercial speech.]

(2) A variable message sign;

[Comment- This provision creates a First Amendment conflict with section 712, which broadly authorizes commercial variable message signs.]

~~(1)~~(3) A projecting sign;

~~(2)~~(4) A billboard;

~~(3)~~(5) Illuminated; or

~~(4)~~(6) Audible; and

(c) The sign is not more than twenty square feet (20 sq. ft.) in area.

707 PERMANENT DIRECTIONAL SIGNS

707.1 Signs not more than six square feet (6 sq. ft.) in area attached to a building indicating the location of parking facilities for patrons shall be allowed under permit.

708 PROJECTING SIGNS

708.1 Signs projecting from or beyond a building line or building restriction line shall be allowed in Commercial and Industrial Districts, as defined in the Zoning Regulations, when supported on iron or steel brackets and stayed securely, or affixed in an approved equivalent manner, subject to the limitations imposed by chapter 11 of this title.

708.2 No sign may project more than forty-two inches (42 in.) beyond the interior lot line or building restriction line, on the street frontage of a building.

708.3 Hooded lights may be placed on projecting signs solely to illuminate the signs, but the hoods of the lights shall not project more than an additional six inches (6 in.).

708.4 No part of a projecting sign shall have less than eleven feet (11 ft.) clearance above the surface of a sidewalk or any other space used by pedestrians, nor less than fifteen feet (15 ft.) clearance above the surface of any driveway in public space.

- 708.5 No portion of a projecting sign shall extend over public space closer than eighteen inches (18 in.) from the curb lane. No sign, including illumination, shall project more than six inches (6 in.) beyond the building line in alleys.
- 708.6 Double-faced projecting signs on the front of buildings shall not extend above the roof or parapet a distance of more than one-third (1/3) of the height of the sign nor more than four feet (4 ft.). Such signs may return over the roof or parapet not over eighteen inches (18 in.) back of the face of the wall.
- 708.7 No sign attached to a building or installed on private property and projecting over public space shall be erected or hung so as to swing, sway, or revolve in any manner, except banners or flags. The supports for banners and flags shall be installed so as to be rigid.
- 708.8 Signs may be supported by canopies, marquees, porticos, and roofs of show windows constructed so as to safely support the weight of the sign or signs, in addition to the required snow and wind loads. These signs shall not extend more than forty-two inches (42 in.) beyond the building line.
- 708.9 No banner, sign, or flag used for advertising purposes shall be displayed on any building, wall, fence, pole, or structure unless a permit for it has been issued, nor shall any banner, sign, or flag extend over public space more than forty-two inches (42 in.).
- 708.10 Signs may be placed or painted on the vertical faces of valances, or on top of or hung from a canopy, marquee, portico, or awning if:
- (a) The sign consists of one horizontal line of letters, each letter not to exceed twelve inches (12 in.) in height;
 - (b) The line of letters designates only the street number of the premises and the name of the occupant or building or trade name; and
 - (c) In Residential and Special Purpose Districts, the signs are for apartment houses and hotels only.

709 SIGNS ON ROOFS

- 709.1 Signs on roofs are allowed if:
- (a) They are not erected above the height limit established by the Zoning Regulations;

- (b) The base of the sign is not less than six inches (6 in.) nor more than eighteen inches (18 in.) above the roof parapet wall on which it is erected or affixed;
- (c) The height of the sign does not exceed half of the width of its base; and
- (d) The maximum area of the sign does not exceed one hundred square feet (100 sq. ft.) unless specifically allowed by the permitting official.

709.2 All roof signs shall be securely braced and fastened with lag screw expansion bolts, anchor plates, or by another approved structurally sound method, to prevent accidents in high winds.

709.3 Roof signs shall not be erected or hung so as to swing, sway, or revolve in any manner.

709.4 Complete structural plans indicating roof construction, method of attachment, and sign framing shall be provided with all applications for permits for signs on roofs.

710 WALL SIGNS

710.1 Wall signs that have an area exceeding forty square feet (40 sq. ft.) shall be constructed of metal or other approved noncombustible material.

710.2 The permitting official may issue permits to display a sign or signs on those side walls of a corner building which abut a public street, or on those side walls of buildings that have a public entrance opening for business purposes in an alley, when these signs comply with this chapter.

711 GROUND AND POLE SIGNS

711.1 Unless prohibited by the permitting official or in violation of this chapter, the structural frame of ground and pole signs shall not be erected above the following heights:

- (a) For combustible materials, thirty five feet (35 ft.) above the ground; and
- (b) For noncombustible material, one hundred feet (100 ft.) above the ground.

711.2 Where wood anchors or supports are embedded in the soil, the wood shall be pressure treated. All fasteners shall be of corrosion resistant material.

712 VARIABLE MESSAGE SIGNS

712.1 Variable message signs that comply with the provisions of section 705 shall be permitted in Commercial and Industrial Districts as defined in the Zoning Regulations, when located entirely upon the land of the owner and not projecting beyond the building line, subject to the conditions of this section. ~~As used in this Section, “variable message sign” includes a revolving sign or a sign that displays 3-dimensional, moving, animated, or digitally changing images or text. Full motion video signs are prohibited.~~

[Comment – The term “variable message sign” is defined in chapter 99. The definition in this section conflicts with that definition and should be stricken.]

712.2 Variable message signs are prohibited on the roofs or in windows of buildings or structures.

712.3 Complete details of the erection and operation of variable message signs shall be submitted with the sign permit application.

712.4 The area of variable message signs shall not exceed forty square feet (40 sq. ft.) per face.

712.5 Variable message signs shall have not less than eight feet (8 ft.) clearance above the adjacent ground level and the total height of the sign above grade shall not exceed twenty feet (20 ft.).

712.6 Exposed lights or tubing are prohibited on variable message signs, and illumination shall be from indirect or internal sources.

712.7 The duration of each display may not be less than eight (8) seconds and the transition time between messages may not be greater than two (2) seconds.

712.8 No variable message sign may be installed or maintained if DDOT has determined that the sign location, size, or height above grade violates a specific standard in District regulations governing ~~negatively impacts~~ vehicular traffic safety.

[Comment - The net effect of this provision standing alone would be to permit the widespread proliferation of hundreds of 40 square foot electronic variable message signs, including multiple matrixes of such signs in Commercial and Industrial zones throughout the District. Further, both this provision and the definition of the term “variable message sign” fail to set any standard regarding safety, location, number, brightness, duration of messages, proximity to residential or other sensitive areas. Finally, this section does not confine the permitting official’s discretion to specific safety standards that

have been adopted by regulation, thereby permitting subjective and unsubstantiated determinations.]

713 REAL ESTATE SIGNS

- 713.1 One (1) sign for the sale, rent, or lease of land or premises may be placed on private property or attached to the exterior of any building with the written consent of the owner or the owner's agent. A permit is not required for signs under six square feet (6 sq. ft.).
- 713.2 The area of a real estate sign shall not exceed twenty square feet (20 sq. ft.) if located within a residential district, or sixty square feet (60 sq. ft.) if located outside a residential district.
- 713.3 Real estate signs shall be located on the premises advertised.
- 713.4 A real estate sign exceeding six square feet (6 sq. ft.) shall require a permit and shall be subject to the time limitations in § 706.1.
- 713.5 In a Residential District, as defined in the Zoning Regulations, one (1) sign for the sale, rent, or lease of land or premises may be placed on private property or attached to the exterior of the building with the consent of the owner or the owner's agent; provided, that if the sign exceeds six square feet (6 sq. ft.), it shall require a permit and shall not exceed twenty square feet (20 sq. ft.).
- 713.6 In a non-Residential District, an owner or occupant of a building up to four (4) stories tall may display one (1) sign for the sale, rent, or lease of land or premises on private property or attached to the exterior of the building with the consent of the owner or the owner's agent; provided, that if the sign exceeds six square feet (6 sq. ft.), it shall require a permit and shall not exceed sixty square feet (60 sq. ft.).
- 713.7 In a non-Residential District, an owner or occupant of a building more than four (4) stories tall may display signs for the sale, rent, or lease of land or premises to be placed on private property or attached to the exterior of the building with the consent of the owner or the owner's agent; provided, that if a sign exceeds six square feet (6 sq. ft.), it shall require a permit and the total square footage of all real estate signs shall not exceed eight hundred square feet (800 sq. ft.).

714 MAXIMUM SIZE OF SIGNS

- 714.1 In any district other than a Residential or Special Purpose District, the total area of sign or signs subject to the provisions of this chapter and attached to, displayed from, or erected upon any building, lot, or parcel of land, shall not exceed the limits prescribed in §§ 715 through 719.

715 ONE-STORY BUILDINGS

715.1 Signs on one-story buildings shall be no larger than two square feet (2 sq. ft.) for each foot of width of the front of the building. The sign shall only advertise the business or profession of the owner or an occupant of the building, and the signs shall be placed on the front within the limits of the portion of the front in which the advertised business is located. Roof signs shall not exceed one hundred square feet (100 sq. ft.) facing any one street frontage.

716 FIRST FLOOR STORES OR BUSINESSES IN MULTI-STORY BUILDINGS

716.1 The provisions of § 715 shall apply, except that signs for first floor stores or businesses in multi-story buildings shall be no higher than twenty feet (20 ft.) above the sidewalk.

716.2 The total area of all signs above the twenty foot (20 ft.) height specified in § 716.1 shall not exceed the limits set forth in Table 716, for each street frontage.

**TABLE 716
SIGNS ABOVE THE FIRST STORY**

AREA OF WALL ABOVE 20 FEET ABOVE THE SIDEWALK, ON STREET FRONTAGE (square feet)	MAXIMUM ALLOWABLE AREA OF SIGNS ABOVE 20 FEET ABOVE SIDEWALK ON STREET FRONTAGE
Up to 1600	40 sq. ft.
Over 1600 up to 4000	1/40 of area of wall above 20 ft. height
Over 4000	100 sq. ft. roof signs, or 1/40 of area of wall above 20 ft. height for signs below roof

717 SINGLE-OCCUPANCY BUILDINGS

717.1 Where an entire building over one story in height is occupied by one business, store, or occupant, the total area of all signs on each street frontage shall not exceed the limits set forth in Table 717.

TABLE 717

SIGNS ON SINGLE-OCCUPANT MULTI-STORY BUILDINGS

AREA OF WALL ON STREET FRONTAGE (square feet)	MAXIMUM ALLOWABLE AREA OF SIGNS ON STREET FRONTAGE
Up to 4000	100 sq. ft.
Over 4000	1/40 of area of wall, of which not more than 100 sq. ft. is above the roof

718 UNIMPROVED LOTS OR LOTS WITH A SMALL OFFICE

- 718.1 Where a business is conducted on an unimproved lot or a lot with a small office, two square feet (2 sq. ft.) of sign area for each foot of street frontage is permitted, up to a maximum of one hundred fifty square feet (150 sq. ft.) per frontage. The area of the signs on buildings shall not exceed that permitted under § 715.

719 PARKING RATE SIGNS

- 719.1 Where 24 DCMR § 609 requires the posting of a schedule of automobile parking rates, a sign setting forth this schedule, not more than twenty square feet (20 sq. ft.) in area, is permissible, in addition to the areas otherwise allowed under §§ 715 through 718.

720 TEMPORARY AUTOMOBILE PARKING LOTS

- 720.1 Where the permitting official approves temporary automobile parking lots the total area of signs for each lot shall not exceed twenty square feet (20 sq. ft.) facing each street upon which the lot has a vehicular entrance. This area is in addition to separate signs authorized under other provisions of this title.

721 SIGN SUPPORTS

- 721.1 Signs on private property shall be supported on posts or pilasters, subject to permit, but shall not be placed so as to extend over a walkway or roadway unless there is at least eight feet (8 ft.) of clearance above the walkway or fifteen feet (15 ft.) of clearance above the roadway.

722 APARTMENT HOUSE SIGNS

- 722.1 For apartment houses, signs shall be limited to the name and house number of the building. These signs shall only be permissible if they face the street or streets upon which entrances to the building are located. Apartment house signs shall not exceed the limits set forth in Table 722 for each building frontage. Signs placed on a marquee, canopy, or awning, as allowed under § 406, shall not be counted towards the area limitation given in Table 722. For the purposes of this section, a group building erected under a covenant shall be considered a single building.

**TABLE 722
APARTMENT HOUSE SIGNS**

STREET FRONTAGE (feet)	MAXIMUM ALLOWABLE SIZE OF SIGN ON STREET FRONTAGE (square feet)
Up to 45	4
Over 45 up to 50	5
Over 50 up to 55	6
Over 55 up to 60	7
Over 60 up to 65	8
Over 65 up to 70	9
Over 70 up to 75	10
Over 75 up to 80	11
Over 80 up to 85	12
Over 85 up to 90	13
Over 90 up to 95	14
Over 95 up to 100	15
Over 100 up to 105	16
Over 105 up to 110	17
Over 110 up to 115	18
Over 115 up to 120	19
Over 120	20

723 OFFICE BUILDINGS, COMMERCIAL, OR INDUSTRIAL USES

- 723.1 For buildings or premises approved by the Board of Zoning Adjustment or Zoning Commission for office, commercial, or industrial uses, the total area of signs for each building or premises shall not exceed the lesser of the limit prescribed in §714.1, or forty square feet (40 sq. ft.), or such other limitation imposed by the Board of Zoning Adjustment or Zoning Commission. These signs shall be attached flat against the wall of the building unless they are governed by § 720.
- 723.2 Signs governed by § 723 shall be permitted on canopies, marquees, porticos, and awnings located entirely on private property, where displayed in the manner and

with the limitations stated in § 405. These signs shall be counted towards the maximum allowable area of signs.

- 723.3 Signs marketing new residential units for rent or lease shall be allowed for a maximum of one hundred eighty (180) days from date of issuance of the first certificate of occupancy. Size shall be subject to the limitations in § 722.
- 723.4 Where 24 DCMR § 609 requires that a schedule of automobile parking rates be posted, a setting forth this schedule, not more than twenty square feet (20 sq. ft.) in area, shall be allowed on office, commercial, or industrial buildings in addition to the areas permitted under § 720.

724 RESIDENTIAL OR SPECIAL PURPOSE DISTRICT LIMITATIONS

- 724.1 No sign or signs shall be allowed in any Residential District, as fixed by the Zoning Regulations, unless the permitting official issues a permit in accordance with this section.
- 724.2 This section shall not be construed to grant any greater area or illumination than limited by specific order of the Board of Zoning Adjustment or Zoning Commission. If a specific order prohibits any sign or illumination, the specific order shall take precedence over this section.
- 724.3 Residential District signs on private property shall be located on the portions of the building or premises occupied by the use for which the signs are authorized.
- 724.4 Residential District signs shall be illuminated by steady white lighting only. No fluctuating, pulsating, or moving lights or lighting designed to change appearance in any manner shall be allowed in a Residential District. Where illumination of signs located in Residential Districts is by gas tubes, these tubes shall not be visible but may be arranged so as to provide indirect light.
- 724.5 For buildings or premises located in Special Purpose Districts, as defined in the Zoning Regulations, the total area of signs subject to this section shall not exceed the limits set forth in Table 724, nor those imposed by any specific order of the Board of Zoning Adjustment or Zoning Commission.

**TABLE 724
SIGNS IN SPECIAL PURPOSE DISTRICTS**

STREET FRONTAGE (feet)	MAXIMUM ALLOWABLE SIZE OF SIGN ON STREET FRONTAGE (square feet)
Up to 40	40 sq. ft.

Over 40 up to 100	1 sq. ft. per foot of frontage
Over 100	100 sq. ft. plus 0.5 sq. ft. per foot of frontage over 100

724.6 A permit shall not be required for a nameplate to advertise a home occupation; provided, that it is one square foot (1 sq. ft.) or less in area and bears only the name and occupation of the occupant of the building.

724.7 This section shall not be construed to grant any greater area or illumination than limited by specific order of the Board of Zoning Adjustment or Zoning Commission. If such a specific order prohibits a sign or illumination, the specific order shall take precedence over this section.

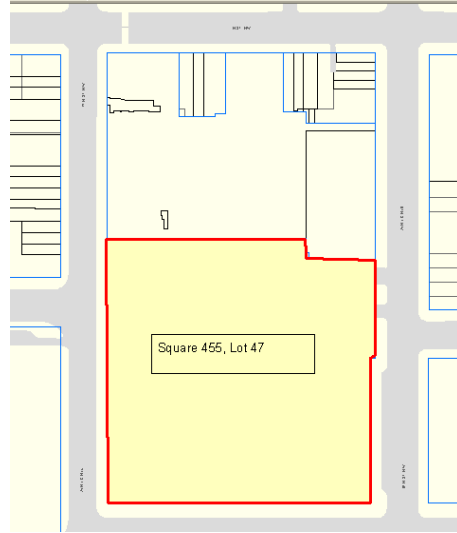
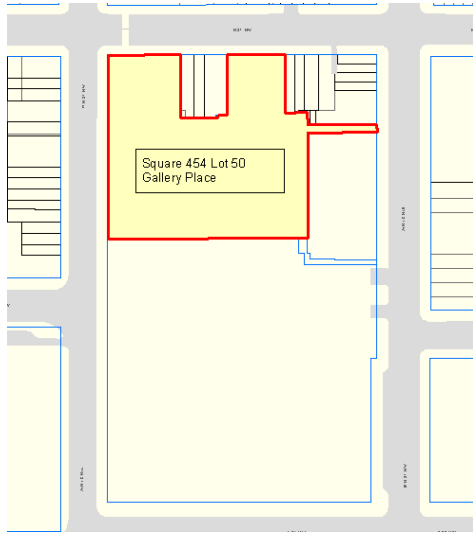
CHAPTER 8 DESIGNATED ENTERTAINMENT AREA SIGNS

800 APPLICABILITY

800.1 This chapter sets forth all provisions in this title that shall govern signs within Designated Entertainment Areas (DEAs).

~~800.1~~800.2 DEAs shall include the following:

- (a) The Gallery Place Project as described in D.C. Official Code § 47-2005(30)(B) (2012 Supp.), except that the lots comprising the project have been combined and are now known as Lot 50 in Square 454; the private alley located between the project and the property known as the Verizon Center, Square 455, Lot 47; and the northern façade of the Verizon Center;
- (b) The Verizon Center property and building located at Square 455, Lot 47, including the Gallery Place Metro Entrance on the corner of 7th and F Streets, NW;
- (c) The Southwest Waterfront (SW Waterfront), including the Southwest Fish Market, between Maine Avenue, SE, and the Washington Channel, from the 12th Street Expressway to a line north of M Street, SW, as it would be extended to Washington Channel;
- (d) The Ballpark Area between South Capitol Street, SE, and First Street, SE, from M Street, SE, to Potomac Avenue, SE, except that no signs shall be placed facing South Capitol Street or Potomac Avenue; and
- (e) Other areas the Mayor designates.



800.1(a) The Gallery Place Project 800.1(b) The Verizon Center



800.1(c) The Ballpark Area 800.1(d) SW Waterfront and Fish Market

800.3 Unless otherwise exempted, signs in DEAs shall be subject to this title and all other applicable statutes and regulations.

~~800.2~~ — ~~800.4~~ — DEA signs may include outdoor graphics and visuals, banners, digital screens, digital video monitors, theater marquees, and fixed and animated signs for commercial establishments located within a DEA.

[Comment —Many of the terms used to describe signs that are permitted in DEAs are not defined, or even found elsewhere in the chapter. Other terms that are

defined elsewhere in the title such as “variable message signs” are not included in this section. This section should be revised so as to include defined terms to describe the signs that are being authorized.]

800.5 DEA signs may also include projections of static or moving images onto:
(a) The Gallery Place Project, including the private alley located between the Project and the property known as the Verizon Center;

(b) Buildings in squares 700 and 701 within the Ballpark Area, with the exception of any façade facing South Capitol Street; ~~and~~

(c) Non-residential buildings within the SW Waterfront, with the exception of any façade facing Maine Avenue, SW; ~~and~~

(d) Other DEAs designated by the Mayor.

801 PERMITTING AND ENFORCEMENT OFFICIALS

801.1 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on private property within a DEA shall be the Director of DCRA.

801.2 The permitting official responsible for issuing permits and enforcing the provisions of this title for signs on public space within a DEA shall be the Director of DDOT.

802 APPLICANT QUALIFICATIONS

802.1 At the time of the submission of the application the applicant shall:

- (a) Have a valid Basic Business License authorizing the applicant to do business as a business engaged in outdoor advertising in the District of Columbia;
- (b) Have a valid Good Standing Certificate issued by DCRA; and
- (c) Be in compliance with the Clean Hands Act.

803 PERMIT APPLICATION PROCESS

803.1 An application for a permit under this chapter shall be made in a form required by the permitting official and shall include:

- (a) The name, address, telephone number, and email address of the applicant and property owner;
- (b) Plans drawn to scale, showing the details of construction, dimensions, lettering, and method of attachment of the sign;
- (c) Drawings showing the graphics proposed for display;
- (d) The proposed location of the sign(s) by the street address of the building or premises and the face direction of the wall or surface (e.g., northern-facing);
- (e) The width of the premises or the width and height of the building, or any other dimensions the permitting official deems necessary to determine the allowable area of the sign;
- (f) Specifications or other information describing the type and thickness of materials for the sign and its supports;
- (g) An affidavit signed by the applicant or the applicant's duly authorized representative certifying compliance with the Clean Hands Act;
- (h) An affidavit signed by the property owner showing consent to the placement of the sign ~~and to the application of relevant enforcement mechanisms included in chapter 12;~~

[Comment – The Permit Holder alone is responsible for any action that violates applicable laws or regulations. It is unreasonable to impose liability on the property owner for violations that the Permit Holder is responsible for and which may not be readily discoverable by the property owner.]

~~(h)~~(i) Any other applicable permit required by this title; and

~~(i)~~(j) Such other information as the permitting official may require.

803.2 Sign permits shall be issued in the name of the applicant and shall pertain solely to the location identified on the permit.

804 ACTION ON A PERMIT APPLICATION

804.1 The permitting official shall not issue a sign permit if the sign would be located on a property:

- (a) Classified by the Office of Tax and Revenue (OTR) as Class 3 or Class 4 for property tax assessments; or
- (b) Whose owner of record, as listed in the property tax records of OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of OTR.

804.2 No application shall be complete until all information required by this chapter is filed and all required fees are paid.

804.3 ~~The time frames included in this chapter shall not apply until the permitting official determines that the application is complete.~~

[Comment – Section 704.3 establishes a clear standard. This section introduces a subjective element and is unnecessary.]

804.4 The permitting official shall refer all applications for DEA sign permits to DDOT, the Commission, and OP within ten (10) days after the permitting official determines that the application is complete. ~~DDOT and OP shall review the application and make recommendations before a permit is issued.~~

804.5 DDOT, the Commission, and OP shall submit a written report to the permitting official within thirty (30) ~~sixty (60)~~ days from the referral date, ~~except that the permitting official may allow an extension of up to thirty (30) additional days.~~

804.6 Notwithstanding § 804.5, signs and related building features subject to the jurisdiction of the Commission shall be referred to the Commission for review and recommendation pursuant to chapter 3 of this title prior to review by DDOT or OP.

804.7 The permitting official shall review and approve or deny a DEA sign permit application within twenty (20) days after the receipt of the report of DDOT, the Commission, and OP or upon the expiration of the time period provided in § 804.5.

[Comment - This proposed provision when combined with sections 804.4, 804.5, and 804.6 results in a processing time of between 90 and 120 days. The proposed revision sets new time limits that avoid unnecessary regulatory delay and are consistent with the 10/20/30 time limits that are proposed throughout these comments.]

804.8 No permit shall be granted if, within the time period provided in this section:

- (a) The Director of DDOT reports in writing that the location, size, lighting, or height above grade of the sign negatively impacts vehicular traffic safety or violates federal sign requirements; or
- (b) The Director of OP reports in writing that the proposed sign would adversely impact the character and integrity of the DEA or the immediately adjacent neighborhood.

805 GENERAL DEA REQUIREMENTS

805.1 The following requirements shall apply to all DEA signs.

805.2 Variable message signs may be permitted in the private alleys and private spaces that are open to the general public subject to the conditions of § 712.

[Comment – We assume that it is the District’s intent to allow the use of variable message signs throughout the DEA. It is not clear why signage in these two areas should be limited to variable message signs.]

805.3 Signs that identify a specific location on private property such as a pier, market, or stadium are allowed across entrances to these locations, including private alleys and private spaces that are open to the general public.

805.4 No single sign shall exceed an area of one thousand two hundred square feet (1,200 sq. ft.).

805.5 No sign shall ~~be illuminated in a manner that will provide light intensity or greater than .3 foot candles of ambient light have such intensity or brilliance as to cause glare or~~ impair the vision of any driver, ~~or to otherwise interfere with the driver's operation of a motor or vehicle,~~ cast light directly ~~or indirectly~~ into residential units, ~~or adversely impact an owner's enjoyment of residential property located within or adjacent to a DEA.~~

[Comment – This section uses a series of undefined terms that are subject to subjective and inconsistent determinations. It is not clear what constitutes unsatisfactory “glare” or light that would “interfere” with vehicle operations or how either of those concepts could be objectively defined. Likewise some “indirect” light in a DEA with the types of signs envisioned for those areas will inevitably be seen from the residences nearby.]

805.6 No sign shall have audio or sound other than *de minimis* sound caused by general operation.

805.7 No digital screen, digital video monitor, or animated sign or image shall be placed on the exterior of any building in a DEA such that the digital screen, digital video monitor, or animated sign or image is directly across from and parallel to any residential building.

805.8 Notwithstanding the provisions of § 709.1, roof signs in a DEA shall be subject to the following restrictions and requirements:

~~(a) No part of a roof sign or its support structure shall exceed the lesser of the permitted height limit of the zoning district in which the sign is placed or ninety feet (90 ft.);~~

~~(b) The maximum total length of a roof sign shall be no greater than seventy percent (70%) of the building width;~~

~~(c) The maximum total height of a roof sign shall be the lesser of twenty five percent (25%) of the building height or ten feet (10 ft.);~~

~~(a) The maximum total area of all roof signs placed on one (1) roof shall be two hundred square feet (200 sq. ft.);~~

~~(d) No more than two (2) signs shall be placed on a roof of any building;~~

~~(e) A roof sign shall not have moving graphics or flashing or strobe lights;~~

~~(f) All roof signs shall be located:~~

~~(1) At least ten feet (10 ft.) from interior lot lines;~~

~~(2) At least a distance from the edge of the roof equal to sixty percent (60%) of the sign's total height;~~

~~(3) Such that the plane of the sign face is approximately parallel to the face of the building; and~~

~~(4) No closer than five hundred feet (500 ft.) to:~~

~~(A) A residential district, as established by the Zoning Regulations;~~

[Comment – The foregoing provisions of this section would result in signage that would not be economically viable. We would like to meet with District officials to discuss its concerns, and to discuss proposals that could make roof signs attractive to advertisers while also compatible with the unique environments of DEAs.]

- (B) The National Mall;
- (C) A national memorial;
- (D) U.S. Capitol Building and Grounds; or
- (E) The White House.

805.9 Any sign with motion, including but not limited to digital screens, digital video monitors, theater marquees, animated signs and images, or other projections, shall not change images more frequently than every eight (8) seconds and the amount of time between changed images is no greater than two (2) seconds.

805.10 The total area of all attached signs on any building façade facing a public street may not exceed twenty percent (20%) of the total area of that building façade.

805.11 A Special Sign, as defined and regulated by chapter 9 of this title, may be transferred into a DEA subject to the requirements of this chapter and chapter 9, and shall not count toward the total signs area permitted by this chapter.

806 SPECIFIC LOCATION REQUIREMENTS

806.1 Gallery Place Project Graphics shall be displayed in compliance with the specifications, drawings, limitations, and requirements set forth in Illustrations 1 through 6 (Illustrations), which are incorporated by reference into this chapter and are available in the office of the permitting official.

806.2 Notwithstanding § 705, off-premise signs are authorized within the DEA.
~~including the goods and services sold at these businesses; provided that:~~

[Comment – The proposed revision is intended to make clear that the authorized signs conform to the widely accepted definition of “off-premise signs”. A definition of “off-premise sign is included in chapter 99.]

- (a) In the Gallery Place Project, the signs are located in those areas identified in the Illustrations as the "Corner Heroic Sign Area" or the "Additional Signage Area;"
- (b) In the SW Waterfront, the signs are located in those areas approximately perpendicular to Maine Avenue and parallel to the Washington Channel, but not placed facing parallel to Maine Avenue; and

806.3 ~~Only that portion of a sign allowed under §§ 705.1 and 705.2 to advertise products or commodities sold on premise may display video, flashing, or animation.~~

[Comment – This section is deleted because in a DEA all types of signs are authorized there is no difference between an on premise and an off-premise sign, including, among others, signs that display video, flashing, or animation.]

806.4 Notwithstanding § 708, the following specific rules apply to projecting Gallery Place Project Graphics:

- (a) No Gallery Place Project Graphic located in any area shown as crosshatched in the Illustrations shall project more than eight inches (8 in.) beyond the façade of the structure, and
- (b) Gallery Place Project Graphics located in the "Storefront Signage Areas" depicted on the Illustrations shall project no more than forty-eight inches (48 in.) beyond the building line or building restriction line on the street frontage of a building.

806.5 The following signs may be permitted on the specified location on the Verizon Center:

~~(a)~~ (a) Two (2) separate digital displays on the western side of the Verizon Center, each measuring no more than one thousand two hundred square feet (1200 sq. ft.), which would replace two static canvas displays on the western side of Verizon Center as they existed on June 11, 2012;

(b) One (1) digital display that forms a right angle around the southwest corner of the Verizon Center with each display panel of the digital display forming the right angle measuring no more than twenty-four feet (24 ft.) in height and forty-three feet (43 ft.) in width with the top of each panel of the digital display starting at the top of the glass windows on Verizon Center existing as of June 11, 2012;

(c) Two (2) separate digital displays, each measuring no more than three feet (3 ft.) in height and eighteen feet (18 ft.) in width, mounted on the exterior of the top of the western and southern entrances to the Gallery Place Metro station at the corner of 7th and F Streets, NW;

(d) Up to two (2) digital displays or static canvas displays in the interior space above and around the escalators in the Metro station identified in paragraph (c) above;

(e) One (1) static canvas display that forms a right angle around the southeast corner of the Verizon Center with each panel forming the right angle measuring no more than twenty-four feet (24 ft.) in height and forty-three feet (43 ft.) in

width with the top of each such panel starting at the top of the glass windows on the Verizon Center as they existed on June 11, 2012; and

- (f) Up to two (2) separate static canvas displays on the eastern side of the Verizon Center, each measuring no more than one thousand two hundred square feet (1200 sq. ft.).

CHAPTER 9 SPECIAL SIGNS

900 APPLICABILITY

900.1 This chapter shall set forth all provisions governing Special Signs under this title.

900.2 A Special Sign shall be defined as one of the thirty-two (32) Special Signs approved by that the Director of DCRA has approved pursuant to the Rules for Special Signs adopted September 22, 2000 (47 DCR 7695).

(a) No new Special Sign Permit shall be issued for the erection or display of any additional Special Signs.

(b) The Permit Holder of a Special Sign Permit shall have the right to change Artwork through the issuance of an Artwork Permit, or transfer the locations of a Special Sign through the issuance of a Transfer of Location Permit as provided in this Chapter.

[Comment - This revision makes it clear that no additional Special Signs can be authorized and no new Special Sign Permits can be issued, and clarifies that these regulations grant affirmative rights to the holders of existing Special Sign Permits.]

900.3 A Special Sign shall only be displayed on an outdoor or exterior wall or surface that is not self-standing, except for the twelve (12) Special Signs on self-standing structures that were approved and existing as of January 1, 2004. Any of the twelve (12) Special Signs on self-standing structures may be transferred to a new location, as a self-standing Special Sign, pursuant to the provisions of section 903.

[Comment - This revision provides for the transfer of location of self-standing Special Signs as self-standing Special Signs under the same provisions, in a revised section 903, as Special Signs that are located on exterior walls. There is no apparent rationale for limiting self-standing Special Signs to construction sites or for limiting their duration to any given location to two (2) years , and those limitations are proposed to be eliminated. The revision does, however, continue to limit the total number of self-standing Special Sign Permits to the twelve (12) that were originally authorized.]

900.4 Sign support structures that are either attached to an adjacent building wall or within twelve inches (12 in.) of an adjacent building wall (to ensure that the wall is not damaged) are not “self-standing” for the purposes of this chapter.

901 PERMITTING AND ENFORCEMENT OFFICIAL

901.1 The permitting and enforcement official responsible for permitting Special Signs and enforcing the provisions of this title shall be the Director of DCRA.

[Comment - The existing provisions governing the issuance of Special Sign Permits have been deleted since no additional permits can be issued. Newly proposed provisions below create separate processes for securing permits for a change in Artwork, or for Transfer of Location Permits.]

902 APPLICANT QUALIFICATIONS FOR TRANSFER OF LOCATION PERMITS

902.1 An applicant for a Special Sign Transfer of Location Permit from an existing Special Sign location to a different Special Sign location, at the time of the submission of the application shall:

- (a) Have a valid Basic Business License authorizing the applicant to do business as a business engaged in outdoor advertising in the District of Columbia;
- (b) Have a valid Good Standing Certificate issued by DCRA Corporations Division;
- (c) Be in compliance with the Clean Hands Act; and
- (d) Be the holder of the Special Sign Permit for either a Special Sign on an outdoor or exterior wall or surface, or for a self-standing Special Sign.

[Comment - The revision makes clear that only a Permit Holder has the affirmative right to secure a Transfer of Location Permit.]

**TRANSFER OF LOCATION OF SPECIAL SIGN PERMIT
APPLICATION PROCESS**

903.1 An application for a Special Sign Transfer of Location Permit under this chapter shall be made in a form required by the permitting official and shall be accompanied by the following:

- (a) Name, address, telephone number, and email address of the applicant and property owner of the location to which the Special Sign is to be located;
- (b) Unless filed electronically, four (4) copies of drawings, drawn to scale, showing the details of construction, dimensions, lettering, and method of attachment of the Special Sign at the new location;
- (c) In the case of a Special Sign displayed on an outdoor or exterior wall or surface, a statement of the width of the premises or the width and height of the building, or any other dimensions to determine whether the area that the Special Sign will occupy is at least as large as the size specified in the Special Sign Permit ~~deemed necessary by the permitting official to determine the area that the Special Sign will occupy~~;

[Comment - The size of a Special Sign displayed on an exterior wall, or surface or self-standing structure is determined on a permit-by-permit basis based on the size of the proposed location and the size specified in the Special Sign Permit.]

- (d) Specifications or other information stating the type and thickness of materials to be used for the sign and its supports;
- (e) The proposed location of the Special Sign, by the street address of the building or premises and the face direction of the wall or surface (e.g., “northern-facing”);
- (f) An affidavit signed by the applicant or the applicant’s duly authorized representative, certifying that the applicant is in compliance with § 904 and the Clean Hands Act; and
- (g) An affidavit signed by the property owner showing consent to the placement of the Special Sign.

[Comment – The Permit Holder alone is responsible for any action that violates applicable laws, or regulations. It is unreasonable to impose liability on the property owner for violations that the Permit Holder is responsible for and which may not be readily discoverable by the property owner.]

903.2 The permitting official shall, within ten (10) days of receipt of the Transfer of Location Permit Application, refer all applications for Transfer of Location of a Special Sign Permit to the following agencies for review and recommendations before a Special Sign Transfer of Location Permit is issued:

- (a) DDOT, which shall determine that the proposed Special Sign transfer location, size, lighting, and height above grade comply with federal law and do not violate existing regulations governing vehicular and pedestrian traffic safety ; and

[Comment - This revision insures that decisions regarding safety of signs is based on specific regulations. “Established standards” is a vague standard that invites unsubstantiated and subjective judgments.]

- (b) OP, which shall determine that the Special Sign does not violate Chapters 3 and 4.

903.3 The agencies identified in § 903.2 shall submit a written report to the permitting official within ~~forty five (45)~~ thirty (30) days from the referral date, ~~except that the permitting official may allow for an extension of up to thirty (30) additional days for good cause.~~

903.4 Within twenty (20) days of receiving the reports from the agencies identified in § 903.2 the permitting official shall notify the applicant in writing whether the Special Sign Transfer of Location Permit application has been approved or denied, and if denied stating the basis under this chapter for the denial. If the application has been approved, the permitting official shall promptly issue the Special Sign Transfer of Location Permit to the Permit Holder.

903.5 Special Sign Transfer of Location Permits shall be issued in the name of the applicant and shall pertain solely to the new Special Sign location identified on the permit, subject to the transferability provisions of § 909.

903.6 No Special Sign shall receive a Special Sign Transfer of Location Permit unless the Special Sign complies with all applicable District and federal laws and regulations.

[Comment - These revisions also shorten the relevant time periods originally proposed for governmental review from an indeterminate period, with no specific time limit on how long the permitting official could hold onto the application before referring it, and then allowing an additional three month period for referral review and a final decision by the permitting official. The revision eliminates this unnecessary and protracted delay by setting a specific period of not more than sixty business days for all reviews to be completed.]

904 **SPECIAL SIGN ARTWORK PERMIT**

904.1 All Special Sign Artwork shall be approved prior to installation, whether as replacement artwork for an existing Special Sign or as part of the permit application for a Special Sign Transfer of Location Permit .

904.2 A Special Sign Permit Holder may change the Special Sign Artwork on an approved Special Sign by filing an application for a Special Sign Artwork Permit, except that the permitting official need not refer the Special Sign Artwork to any other agency if the size and location of the proposed Special Sign Artwork is the same as the Special Sign Artwork that it is replacing.

904.3 A Special Sign Artwork Permit application shall include:

a. Name, address, telephone number, and email address of the applicant; and

b. Unless filed electronically, four (4) copies of a picture or drawings, drawn to scale, showing the details of the specific Artwork being proposed and the dimensions and method of attachment of the Special Sign.

[Comment - This revision inserts the information included in the now eliminated Special Sign Permit application section in proposed Section 903.1 that pertains directly to an Artwork Permit application but does not include other information that would be submitted to DCRA for a Special Sign Transfer of Location Permit application , or that is not relevant to a determination of whether the proposed new Artwork complies with the regulations governing Artwork design.]

904.4 The permitting official shall not approve a Special Sign Artwork Permit if the Artwork violates District or federal law.

904.5 The permitting official shall review the Special Sign Artwork Permit application and approve or deny the Special Sign Artwork Permit within ten (10) business days of its submission.

904.6 The permitting official shall not issue a Special Sign Artwork Permit unless:

- (a) The identification of the sponsor of the Special Sign, when provided, is limited to the bottom center, bottom right, or bottom left corner of the Special Sign artwork, and is limited to the words “Sponsored by [Name and/or Logo of Sponsor].” This sponsor identification shall be no higher than one-tenth (1/10) of the maximum vertical dimension of the face of the sign, and no wider than one-third (1/3) of the maximum horizontal width of the face of the sign;
- (b) The Special Sign Artwork is predominantly pictorial with textual matter on no more than twenty-five percent (25%) of the display area of the sign. The space occupied by any sponsor identification shall not be counted against the twenty-five percent (25%) limitation. Any textual matter or words contained in the pictures of products on the signs, such as the labeling on soft drink cans, shall be considered pictorial and shall not count in the calculation of the percentage of textual matter; and
- (c) Except as provided in § 905.6(a), words included in the body of the Special Sign Artwork do not directly or indirectly identify the sponsor or any of the sponsor’s recognizable campaign slogans, or serve as a direct “Call to Action” on behalf of the sponsor.

904.7 The permitting official shall not issue a Special Sign Artwork Permit if the Special Sign Artwork would be located on a property:

- (a) Classified by the OTR as Class 3 or Class 4 for property tax assessments;
or
- (b) Whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR.

904.8 Once a Special Sign Artwork Permit is approved, the permitting official shall stamp as “approved” two (2) copies of the artwork. One (1) copy shall be placed in the applicant’s permit file and be made available for inspection for as long as the Special Sign remains on display, and one (1) copy shall be returned to the applicant.

905.1 No Special Sign shall be displayed upon buildings or land located in any of the following areas:

- (a) Within one hundred feet (100 ft.) of a Residential District, as defined in the Zoning Regulations;
- (b) Within one hundred feet (100 ft.) of a school or church with a valid certificate of occupancy for such use;
- (c) Within one hundred feet (100 ft.) of a federal or District of Columbia park or monument;
- (d) Between one hundred and two hundred feet (100 ft.- 200 ft.) of a Residential District, as defined in the Zoning Regulations, unless the sign faces away from the residential district and is placed at an angle of forty-five degrees (45°) or less with the closest residential zoning district boundary line;
- (e) In or within sixty feet (60 ft.) of any Historic District, Historic Landmark, or site listed on the most current edition of the "District of Columbia Inventory of Historic Sites," unless the Special Sign is located on a side-wall or back-wall of a building or site outside a Residential District, and HPO approves the Special Sign, if necessary;
- (f) In or within one hundred feet (100 ft.) of premises within the area controlled by the Old Georgetown Act;
- (g) In a Waterfront District if prohibited by the Zoning Regulations;
- ~~(h) On a property that is classified by the OTR as Class 3 or Class 4 for property tax assessments; or~~
- ~~(i) On a property whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR; or~~

[Comment - These provisions have been relocated and are now included in the requirements for a transfer of location permit application.]

~~(j)(h) Viewable from within six hundred sixty feet (660 ft.) of a federal aid highway.~~

[Comment - Given the prevalence of federal-aid roads throughout the District coupled with the other restrictions on the location and spacing of Special Signs, the net effect of the existing draft language would be to prohibit virtually any Special Signs within the District, even when the location is within those commercial or industrial areas specified in section 906. This provision is also inconsistent with the provisions of section 800 et. seq. which would authorize signs in DEAs that are located 660 feet of a federal-aid road.

As written, the provision does exactly the opposite of what is permitted under the Highway Beautification Act. Section 131(d) of the Act specifically *authorizes* the erection and maintenance of off-premise outdoor advertising signs “...*within* six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of state law...” Section 750.704(a)(4) of the FHWA’s implementation rules further amplifies this by specifically authorizing outdoor advertising signs “...within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid primary systems which are zoned industrial or commercial under authority of State law” notwithstanding the fact that a sign located in such a zone may nonetheless be “visible from the main traveled way and within 660 feet of the nearest edge of the right-of-way” of such controlled roads.]

906 INSTALLATION

906.1 Except for a self-standing Special Sign, a Special Sign shall be installed on a building. No part of either the Special Sign or its supporting structure shall protrude above the wall upon which it is installed.

906.2 Subject to the limitations placed on the permitted transfer of a self-standing Special Sign in § 902, the height of a self-standing Special Sign shall not exceed thirty feet (30 ft.). The self-standing Special Sign shall provide at least eight feet (8 ft.) of clearance from the ground, as measured from the adjacent grade.

906.3 A Special Sign shall not be installed on building walls so as to cover any existing window.

906.4 A Special Sign shall not be installed so as to extend above the lowest portion of the roofline of an existing building.

906.5 The topmost point of a Special Sign or its supporting structure shall be no higher than the allowable height for a new building at the premises, as provided by the Zoning Regulations.

907 ILLUMINATION

907.1 A Special Sign shall not contain any movable parts or highly reflective or fluorescent materials, nor shall it contain 3-dimensional, moving, animated, or periodically-changing images or text.

907.2 A Special Sign located within five hundred feet (500 ft.) of a Residential District, as established in the Zoning Regulations, shall not be illuminated.

907.3 A Special Sign located more than five hundred feet (500 ft.) from a Residential District, as established in the Zoning Regulations, may be indirectly illuminated by projecting artificial light on the surface of the Special Sign. A Special Sign shall not be internally illuminated and shall not be constructed of or incorporate neon or any other type of gas or vapor lights.

908 TRANSFERABILITY OF SPECIAL SIGN LOCATIONS

908.1 A Special Sign permit shall be transferable to a new location only under the following conditions:

- (a) The proposed new location of the Special Sign complies with all applicable provisions of this title, and all applicable District and federal law;
- (b) Except for transfers from locations presently outside the area defined in § 909.1(c), the transfer is only for the following causes:
 - (1) The lease for the location of the Special Sign is cancelled, terminated, or otherwise invalid;
 - (2) The Special Sign is partially or totally obstructed; or
 - (3) The location of the Special Sign is or would be no longer feasible because of construction or development; and
- (c) The proposed new location of the Special Sign is within:
 - (1) The Central Business District (C-4), as defined by the Zoning Regulations;

- (2) The commercial or industrial portions of the New York Avenue corridor, areas zoned industrial (M, C-M), as defined in Chapter 8 of the Zoning Regulations;
- (3) The jurisdiction of the District of Columbia Sports and Entertainment Commission as of November 1, 2001;
- (4) The areas within the Central Employment Area that are bounded as follows:
 - (A) Beginning at the corner of F Street, NW, and 17th Street, NW, west along F Street, NW, to 20th Street, NW, north along 20th Street, NW, to Pennsylvania Avenue, NW, west along Pennsylvania Avenue, NW, to 21st Street, NW, north along 21st Street, NW, to M Street, NW, east along M Street, NW, to 20th Street, NW, north along 20th Street, NW, to N Street, NW, east along N Street, NW, to 19th Street, NW, south along 19th Street, NW, to G Street, NW, east along G Street, NW, to 17th Street, NW, south along 17th Street, NW, to F Street, NW;
 - (B) Beginning at the corner of Rhode Island Avenue, NW, and M Street, NW, northeast along Rhode Island Avenue, NW, to Massachusetts Avenue, NW, east along Massachusetts Avenue, NW, to 15th Street, NW, south along 15th Street, NW, to M Street, NW, west along M Street, NW, to 16th Street, NW, south along the east side of 16th Street, NW, to I Street, NW, north along the west side of 16th Street, NW, to M Street, NW, west along M Street, NW, to Rhode Island Avenue, NW;
 - (C) Beginning at the intersection of Massachusetts Avenue, N.W. and 14th Street, N.W., east along Massachusetts Avenue, N.W. to 9th Street, N.W., north along 9th Street, N.W. to N Street, N.W., east along N Street, N.W. to 7th Street, N.W., south along 7th Street, N.W. to K Street, N.W., east along K Street, N.W. to 3rd Street, N.W., south along 3rd Street, N.W. to Massachusetts Avenue, N.W., west along Massachusetts Avenue, N.W. to Eye Street, N.W., west along Eye Street, N.W. to 9th Street, N.W., south along 9th Street, N.W. to H Street, N.W., west along H Street, N.W. to 11th Street, N.W., north along H Street, N.W. to Eye Street, N.W., west

along Eye Street, N.W. to 12th Street, N.W., north along 12th Street, N.W. to L Street, N.W., west along L Street, N.W. to 14th Street, N.W., north along 14th Street, N.W. to Massachusetts Avenue, N.W.;

(D)Beginning at the intersection of Massachusetts Avenue, NW, and H Street, NW, east along H Street, NW, to the closed alley (formerly Smith Court) in the mid-block between 1st Street, NW, and North Capitol Street, south along that closed alley line to G Street, NW, east along G Street, NW, to North Capitol Street, south along North Capitol Street, NW, to Massachusetts Avenue, NW, northwest on Massachusetts Avenue, NW, to H Street, NW;

(E)Beginning at the intersection of Florida Avenue, NE, and North Capitol Street, southeast along Florida Avenue, NE, to 4th Street, NE, south along 4th Street, NE, to M Street, NE, west along M Street, NE, to 3rd Street, NE, south along 3rd Street, NE, to K Street, NE, west along K Street, NE, to 1st Street, NE, south along 1st Street, NE, to G Place, NE, west along G Place, NE, to North Capitol Street, north along North Capitol Street to Florida Avenue, NE; and

(F) Beginning at the corner of M Street, SE, and South Capitol Street, east along M Street, SE, to 1st Street, SE, south along 1st Street, SE,, to Potomac Avenue, SE, west along Potomac Avenue, SE, to South Capitol Street, north along South Capitol Street to M Street, SE; and

(G) . Beginning at the intersection of Maryland Avenue, S.W. and Maine Avenue, S.W., east along Maryland Avenue, S.W. to 9th Street, S.W., south along 9th Street, S.W. to Interstate 395, west along Interstate 395 to Maine Avenue, S.W.

[Comment - At the September 12, 2012 DDOT briefing on the draft Regulations, DDOT officials indicated that the two redlined area descriptions that are presently authorized for Special Signs under current law were inadvertently omitted from the draft. The revision makes the necessary correction to include the missing area descriptions.]

(5) Squares 700 and 701, and the baseball stadium located between N Street, SE, and Potomac Avenue, SE, and South Capitol Street and First Street, SE.

(6) All Designated Entertainment Areas; and

(7) Any other area, or location designated by the Mayor.

[Comment - This revision simply incorporates the provisions in chapter 800 which authorize Special Signs within DEAs, and provides for additional areas for Special Signs that may be designated by the Mayor.]

909 REMOVAL

909.1 The removal of any Special Sign that is painted, drawn, or attached to an existing structure shall be done in a manner that leaves the existing structure in a stable, undamaged, and sign-free condition.

909.2 The owner of a Special Sign at a location not authorized by § 909 shall remove the Special Sign in a manner that complies with § 910.1 before a Special Sign permit shall be issued allowing for its transfer to a new location in an area approved under § 909. The applicant shall submit photographic or other evidence showing that the removal complied with § 910.1.

909.3 No Special Sign shall be permitted in a location from which a Special Sign has been removed if the location is not within an area approved under § 909.

910 NONCONFORMING SPECIAL SIGNS

910.1 Any Special Sign in existence on the date that this chapter becomes effective, that does not conform with the provisions of this chapter or any subsequent amendment to this chapter, may be continued, operated, occupied and repaired and maintained and the rights granted pursuant to the Special Sign Permit applicable to that Special Sign also shall not otherwise be superceded.

[Comment: This revision adds specific “grandfather” clause governing lawfully erected Special Signs that for some reason do not conform to the new requirements in this Chapter. The provision reflects the same policies that are reflected in Chapter 2000 of the District of Columbia Zoning Code, and insure that the District does not inadvertently trigger the just compensation provisions in Section 131(g) of the Highway Beautification Act which require the District to pay compensation upon the removal of any lawfully erected nonconforming sign adjacent to a federal-aid road.

Special Signs have unique characteristics including the limited nature of their construction, and the ability of an owner to replace Artwork and transfer locations. As a result, restrictions like those suggested in Attachment B limiting the reconstruction or replacement of other more

conventional signage that is permanently sited at a specific location that may become nonconforming as a result of the Proposed Rulemaking, would not be applicable to Special Signs.]

CHAPTER 10 BILLBOARDS ON PRIVATE PROPERTY

1000 APPLICABILITY

1000.1 This chapter shall govern billboards on private property in the District.

1001 PERMITTING AND ENFORCEMENT OFFICIAL

1001.1 The permitting and enforcement official responsible for issuing permits and enforcing the provision of this title shall be the Director of DCRA.

1002 PERMITS FOR NEW BILLBOARDS PROHIBITED

1002.1 A permit shall not be issued for the erection of a new billboard that is not on the Authorized List in §1004.2.

1003 PERMITS FOR AUTHORIZED BILLBOARDS

1003.1 The owner of an authorized billboard listed in § 1004.2 shall submit to the permitting official an application for a sign permit pursuant to § 202.

1003.2 The applicant shall renew the permit annually.

1003.3 The applicant shall submit sufficient information to allow the permitting official to determine that the billboard:

- (a) Contains no moving parts;
- (b) Contains no flashing, intermittent, moving, or neon lights;
- (c) Will be lighted so as not to permit beams of light to be directed at any portion of a public right-of-way or to cause glare or impair the vision of any motor vehicle driver, or otherwise interfere with a driver's operation of a motor vehicle;
- (d) Will not obstruct or undermine the traffic information systems of signs and lights;

(e) Has not been changed from its original height, size, dimensions, height above grade, or any other matter that effects its location; and

(f) Conforms to all applicable building and electrical codes.

1003.4 The permitting official may issue an annual billboard permit renewal if the conditions in §1003.3 are met.

1003.5 Failure to renew a billboard permit no later than ninety (90) days after the issuance of these regulations shall constitute abandonment of the billboard and the billboard shall no longer be authorized under § 1004 and this title. The enforcement official may then require the billboard to be removed or remove the billboard as unauthorized pursuant to chapter 12.

1004 AUTHORIZED LIST

1004.1 Only those billboards that were in existence on the effective date of this chapter and that are described in the "Authorized List of Billboards, Three-sheet Poster Boards, and Wall Signs," dated November 30, 1931, as amended through the effective date of this chapter, are authorized to remain in place, subject to the requirements of this chapter.

1004.2 The "Authorized List of Billboards, Three-sheet Poster Boards, and Wall Signs," dated November 30, 1931, as amended through the effective date of this chapter ("Authorized List") is as follows:

LOCATION	Number of	Size (feet)	Type
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Street Name	Address			
Second Street SW	211	1	12 x 25	Billboard
Third Street and Florida Avenue, NE		1	12 x 25	Billboard
Brentwood Road, NE	1021	2	12 x 25	Billboard
Maryland Avenue, NE	1428	1	4 x 8	Billboard
Montana Avenue, NE	1815	1	12 x 48	Billboard
Riggs Road, NE	190	1	12 x 48	Billboard

1004.3. An authorized billboard listed in § 1004.2 may be maintained, repaired, altered, or rebuilt under the authority of a permit issued by the permitting official.

1004.4 No change in size or location of a billboard is permitted. All authorized billboards shall be maintained and repaired in accordance with § 1007.

1005 RAZED, DEMOLISHED, OR REMOVED BILLBOARDS

1005.1 A billboard included in the Authorized List in § 1004.2 that is razed, demolished, or removed shall be considered stricken from the list and shall not be replaced in any form or in any location.

1006 UNAUTHORIZED BILLBOARDS

1006.1 Billboards that are not included in the Authorized List in § 1004.2 and whose owners cannot produce evidence of a permit issued for their construction are unauthorized, shall not be included on the list, and shall not be replaced in any form or in any location.

1006.2 The enforcement official shall notify the owner of record of any property where an unauthorized billboard is located and shall order the removal of the unauthorized billboard by the property owner pursuant to chapter 12.

1007 MAINTENANCE AND REPAIR

- 1007.1 Whenever the permitting official finds that a billboard included in the Authorized List in § 1004.2 is not maintained in good repair and has not deteriorated more than fifty percent (50%) of its replacement value, the permitting official shall notify the owner of record of the billboard and the owner of record of the real property on which the billboard is located and order the repair of the billboard within a specified time, but not less than ten (10) days.
- 1007.2 If the permitting official finds that the billboard has deteriorated more than fifty percent (50%) of its replacement value, or if the billboard is not repaired within the time specified in the repair notice sent pursuant to § 1007.1, the permitting official shall notify the owner of record of the billboard and the owner of record of the real property on which the billboard is located to remove the billboard from the property within a specified time, but not less than twenty (20) days.
- 1007.3 All billboards ordered to be removed shall be stricken from the Authorized List in § 1004.2 when the time limit set in the removal notice ends. Failure to comply with a removal order shall subject the relevant owners, upon adjudication, to the fines provided for in chapter 12.

CHAPTER 11 ADDITIONAL STRUCTURAL AND TECHNICAL REQUIREMENTS

1100 APPLICABILITY

- 1100.1 This chapter shall apply to all signs displayed pursuant to this title, including associated appurtenant and auxiliary devices.

1101 GENERAL REQUIREMENTS

- 1101.1 Signs and sign support structures, together with their supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times.
- 1101.2 Where not galvanized or constructed of approved corrosion-resistant, noncombustible material, signs shall be painted.
- 1101.3 The owner or lessee of every sign shall maintain the immediate premises occupied by the sign in a clear, sanitary, and healthful condition.
- 1101.4 No sign shall be displayed in a manner that obstructs a fire escape or any window, door, or opening used for egress or that prevents free passage from one part of a roof to another. No sign shall be attached to a fire escape or placed in a manner that interferes with an opening required for ventilation.

1102 STRUCTURAL AND MATERIAL REQUIREMENTS

- 1102.1 Signs shall be designed and constructed to withstand wind pressure as required in chapter 16 (Structural Design) of the International Building Code (IBC), as amended by title 12-A DCMR (Building Code Supplement).
- 1102.2 Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as stated in the IBC.
- 1102.3 The allowable working stresses shall satisfy the requirements of chapter 16 of the IBC, as amended by title 12-A DCMR (Building Code Supplement). The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners, except that:
- (a) The allowable working stresses for steel and wood shall be in accordance with chapters 22 (Steel) and 23 (Wood) of the IBC, as amended by title 12-A DCMR (Building Code Supplement); and
 - (b) The working strength of chains, cables, guys, or steel rods shall not exceed one fifth (1/5) of the ultimate strength of the chains, cables, guys, or steel rods.
- 1102.4 Signs attached to all structures shall be safely and securely fastened by metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. The structures to which signs are attached shall be designed to support the loads applied. Signs shall not be attached to or supported by unbraced parapet walls.
- 1102.5 For design of lateral bracing in the direction of the length of the sign, the wind shall be assumed at an angle of forty-five degrees (45°) with the front or back of the sign, and the bracing designed for the force on the projected area perpendicular to the wind.
- 1102.6 Ground supports shall comply with the following requirements:
- (a) Where wood is embedded in the soil, the wood shall be pressure treated with an approved preservative; and
 - (b) Metal materials shall be protected from corrosion.

1103 COMBUSTIBLE AND INCOMBUSTIBLE MATERIALS

- 1103.1 Plastic materials shall burn at a rate no faster than two and one half inches (2 1/2 in.) per minute when tested in accordance with ASTM D 635.
- 1103.2 The following signs shall be made of incombustible material except that sign capping, decorations, lettering, and moldings may be of combustible materials:

- (a) Wall signs exceeding forty square feet (40 sq. ft.) in area, flat against or supported not more than fifteen inches (15 in.) away from the wall;
- (b) Projecting signs exceeding two and one half square feet (2 1/2 sq. ft.) in area;
- (c) Ground-supported signs over thirty five feet (35 ft.) in height or located six feet (6 ft.) or less from any building;
- (d) Roof signs, irrespective of height or area; and
- (e) Signs using electricity.

1104 GLASS

- 1104.1 Glass in signs shall be double-strength plain glass, plate glass, or wired glass. Glass shall be designed per the following table, except that no panel of more than ten square feet (10 sq. ft.) of glass other than wired glass shall be used in signs projecting over public space:

MAXIMUM SIZE OF EXPOSED PANEL (square feet)		MINIMUM THICKNESS OF GLASS	TYPE OF GLASS
Any dimension (inches)	Area (square inches)	(inches)	
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3,600	1/4	Plain, plate, or wired
>144	>3,600	1/4	Wired

1105 ELECTRICAL

- 1105.1 A sign shall not be illuminated by other than electrical means, and electrical devices and wiring shall be installed in accordance with the National Electrical Code, as amended by title 12-C DCMR (Electrical Code Supplement). No spark or open flame shall be used for display purposes unless specifically approved.
- 1105.2 Except as provided for in § 2611 of the IBC, where internally illuminated signs have facings of wood or approved plastic, the area of such facing section shall not be more than one hundred twenty square feet (120 sq. ft.) and the wiring for electric lighting shall be entirely enclosed in the sign cabinet with clearance of not less than two inches (2 in.) from the facing material.
- 1105.3 The dimensional limit of one hundred twenty square feet (120 sq. ft.) stated in § 1105.2 shall not apply to sign facing sections made from flame-resistant coated

fabric (ordinarily known as “flexible sign face plastic”) that weighs less than twenty ounces per square yard (20 oz. per sq. yd.) and that, when tested in accordance with National Fire Protection Association 701, as amended in title 12-H DCMR (Fire Code Supplement), meets the fire propagation performance requirements of both Test 1 and Test 2, or that, when tested in accordance with an approved test method, exhibits an average burn time of two seconds (2 sec.) or less and a burning extent of five and nine tenths inches (5 9/10 in.) or less for ten (10) specimens.

- 1105.4 Signs that require electrical service shall comply with the National Electrical Code, as amended in Title 12-C DCMR (Electrical Code Supplement).

1106 ANIMATED DEVICES

- 1106.1 Signs that contain moving sections or ornaments shall have fail-safe provisions that prevent the section or ornament from releasing and falling or shifting its center of gravity more than fifteen inches (15 in.).
- 1106.2 The fail-safe device shall be in addition to the mechanism and the mechanism’s housing that operate the movable section or ornament. It shall be capable of supporting the full dead weight of the section or ornament when the moving mechanism releases.

CHAPTER 12 ENFORCEMENT AND ADJUDICATION

1200 GOVERNING AUTHORITY

- 1200.1 Enforcement and adjudication of this title shall be governed by the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.* (year)) (Civil Infractions Act), and associated rules at 16 DCMR Chapter 31. Infractions and fines shall be as stated in § 1201 of this chapter.
- 1200.2 Notwithstanding § 1200.1, enforcement and adjudication of §§ 605.1, through 605.7 and § 606, shall be governed by the Litter Control Administration Act of 1985, effective March 25, 1985 (D.C. Law 6-10; D.C. Official Code § 8-801 *et seq.* (year)) (Litter Control Act), and associated rules at 1 DCMR Chapter 28 and 24 DCMR Chapter 1300.

1201 SCHEDULES OF INFRACTIONS AND FINES

- 1201.1 The civil infractions and their respective fines stated in the following schedule shall apply to violations of this title:

SCHEDULE OF INFRACTIONS AND FINES

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Displaying a permitted sign without the permit number and the date of the permit's issuance. (13 DCMR § 201.2)	No			\$ 500
Displaying a sign that does not comply with the DC Construction Codes. (13 DCMR § 204.1)	Yes			\$ 1000
Displaying a sign without approval by the Commission of Fine Arts where such approval is required. (13 DCMR § 302.1)	Yes			\$ 2000
Displaying a special sign, billboard, sign on roof, neon sign, electronic sign, or revolving sign in the area controlled by the Old Georgetown Act. (13 DCMR § 304.1)	Yes			\$ 2000
Displaying a sign associated with one (1) business or entity on a building that takes up more than twenty-five square feet (25 sq. ft.) per street frontage. (13 DCMR § 305.2)	No			\$ 100
Displaying illuminated signs with exposed sources of illumination within the areas subject to the Commission of Fine Arts review. (13 DCMR § 305.3)	Yes			\$ 1000
Displaying signs within the areas subject to the Commission of Fine Arts review that are not stationary. (13 DCMR § 305.4)	Yes			\$ 1000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Displaying a sign without approval by the Mayor's Agent, Historic Preservation Review Board, or Historic Preservation Office, where such approval is required. (13 DCMR §§ 402.1, 402.7)	Yes			\$ 2000
Displaying a billboard or special sign on an historic property or in an historic district. (13 DCMR § 403.1)	Yes			\$ 2000
Displaying a sign on a roof of an historic property except for vintage, historic, or replica signs. (13 DCMR § 403.2)	Yes			\$ 2000
Installing a television or video monitor as a sign on the exterior of an historic property. (13 DCMR § 403.3)	Yes			\$ 2000
Displaying a television or video monitor in storefront window greater than twenty percent (20%) of area of the window. (13 DCMR § 403.4)	Yes			\$ 2000
Displaying a sign subject to review by the HPRB on a canopy if the sign does not identify a name or trade of an occupant of the building. (13 DCMR § 406.1)	Yes			\$ 2000
Displaying a sign subject to review by the HPRB with lettering or logos greater than twelve inches (12 in.). (13 DCMR § 406.2)	Yes			\$ 2000
Displaying a sign subject to review by the HPRB on a canopy, on a side of a canopy, or that is illuminated. (13 DCMR § 406.3)	Yes			\$ 2000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Displaying a sign on public space without a permit. (13 DCMR § 602.1)	Yes			\$ 2000
Posting a prohibited temporary sign in the public space. (13 DCMR § 605.1)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a sign on public space relating to the sale of goods or services. (13 DCMR § 605.2)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Allowing a temporary sign to be posted on a public fixture or in the public space for more than one hundred and eighty (180) days. (13 DCMR § 605.3)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Installation of a temporary sign in public parking by someone other than the owner or occupant of the adjacent public parking. (13 DCMR § 605.3)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$ 2000
Allowing a temporary sign related to a specific event to be posted on a public fixture or in public space more than thirty (30) days past the event. (13 DCMR § 605.4)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a temporary sign on a public fixture or in public space greater than six feet (6 ft.). (13 DCMR § 605.5)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Failure to securely display a temporary sign on a public fixture or in public space. (13 DCMR § 605.5)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a temporary sign on a public fixture with adhesive that is likely to damage the fixture. (13 DCMR § 605.5)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a temporary sign on a	Yes	First Offense	8	\$ 150

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
public fixture or in public space that blocks any portion of the pedestrian or vehicular right of way. (13 DCMR § 605.5)		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying more than three (3) versions of a temporary sign on one (1) side of one (1) block in public space. (13 DCMR § 605.6)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Failure to include the date of posting on a temporary sign in public space. (13 DCMR § 605.7)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a temporary construction sign greater than forty square feet (40 sq. ft.) adjacent to residential zoned properties. (13 DCMR § 605.9)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a temporary construction sign greater than two hundred square feet (200 sq. ft.) adjacent to commercial zoned properties. (13 DCMR § 605.9)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a temporary construction sign greater than two square feet (2 sq. ft.) for each foot of street frontage on a lot. (13 DCMR § 605.9)	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a freestanding sign more than three feet (3 ft.) from a building wall. (13 DCMR § 606.3)	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a freestanding sign more than three feet (3 ft.) from a building wall or during a time when the establishment is not open for business. (13 DCMR § 606.3)	No	First Offense	8	\$ 150
		Second Offense	16	\$300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$ 2000
Displaying an unsecured freestanding sign in public space.	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
(13 DCMR § 606.3)		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Attaching a freestanding sign to the sidewalk or any fixture on public space. (13 DCMR § 606.3)	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$ 2000
Displaying a freestanding sign greater than four feet (4 ft.) tall, wider than thirty inches (30 in.) or advertising goods, wares, merchandise, or services not provided within the establishment. (13 DCMR § 606.4)	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$ 2000
Failure to display a permit number at least 1 inch (1 in.) in height on the freestanding sign in public space. (13 DCMR § 606.4)	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a freestanding sign in public space that reduces the clear pedestrian path to less than ten feet (10 ft.) in the Central Business District or six feet (6 ft.) in all other areas of the District. (13 DCMR § 606.5)	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$ 2000
Displaying a freestanding sign indicating parking facilities that is greater than six square feet (6 sq. ft.) without a permit. (13 DCMR § 606.6)	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		Third Offense	32	\$ 600
		Fourth Offense	100	\$2000
Displaying a banner on public space without a permit. (13 DCMR § 607.1)	Yes			\$ 2000
Displaying a banner that extends into public space more than forty-two inches. (42 in.). (13 DCMR § 607.2)	Yes			\$ 500

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Displaying a banner less than fourteen feet (14 ft.) above the public space. (13 DCMR § 607.2)	Yes			\$ 500
Attaching any electrical wiring, lighting, banners, or other similar objects to trees in public space. (13 DCMR § 607.4)	Yes			\$ 500
Violating any pole restrictions for displaying banners in public space. (13 DCMR §§ 607.8 – 607.12)	Yes			\$ 500
Failure to notify the permitting official when a banner has been removed. (13 DCMR § 607.13)	No			\$ 500
Affixing an unauthorized permanent sign to any fixture on public space, or displaying an unauthorized permanent sign on public space. (13 DCMR § 608.2)	Yes			\$ 2000
Transporting advertising signs over public space. (13 DCMR § 609.1)	No			\$ 500
Placing advertising upon a sidewalk in public space. (13 DCMR § 610.1)	Yes			\$ 500
Defacing any fixture on public space by use of lime, mortar, paint, ink, adhesive, chemical, chisel, or any other material or device. (13 DCMR § 610.2)	Yes			\$ 2000
Marking, painting, or engraving a sidewalk, roadway, curb, or any other surface on public space for the purpose of advertising. (13 DCMR § 610.3)	Yes			\$ 2000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Attaching any guy-wire, rope, chain, or other object to a fixture on public space for the purpose of displaying a sign. (13 DCMR § 610.4)	Yes			\$ 500
Climbing or using a tool or equipment to scale a fixture on public space, without a permit. (13 DCMR § 610.5)	No			\$ 500
Displaying material on a tree or in any tree box on public space. (13 DCMR § 610.6)	Yes			\$ 100
Nailing, stapling, tacking, pasting, or similarly affixing any sign to a tree on public space. (13 DCMR § 610.7)	Yes			\$ 500
Affixing a sign to the front face or rear face of a regulatory sign on public space, or on any part of a traffic signal light or pole. (13 DCMR § 610.8)	Yes			\$ 1000
Placing a sign on public space that pictorially represents the commission of or the attempt to commit a crime or depicting nudity (male or female genitals, pubic areas or buttocks with less than a fully opaque covering, female breasts with less than a fully opaque covering on any part of the areola or nipples, or the covered genitals in a discernibly turgid or other recognizable state) or sexual intercourse or other sexual acts. (13 DCMR § 610.9)	Yes			\$ 500
Displaying a sign on private property without a permit. (13 DCMR § 702.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Displaying a sign that fails to advertise a bona fide business conducted on the premises for which certificate of occupancy has been issued. (13 DCMR § 705.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 100
Using more than fifty percent (50%) percent of the area of an advertising sign to advertise products or commodities sold on the premises. (13 DCMR § 705.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 100
Failure to maintain a sign in structurally sound condition. (13 DCMR § 705.5)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Failure to maintain a projecting sign at the appropriate height and distance between the curb and property line, and in the appropriate condition. (13 DCMR § 708)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Failure to securely brace and fasten a roof sign. (13 DCMR § 709.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Maintaining a wall sign with an area greater than forty square feet (40 sq. ft.) not constructed of metal or other approved noncombustible material. (13 DCMR § 710.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Erecting a ground sign or pole sign above the authorized height limit for such signs (DCMR § 711.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Failure to use pressure treated wood anchors or supports or corrosive resistant fasteners, when using such materials to secure ground signs or pole signs. (13 DCMR § 711.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Placing a variable message sign on a roof of a building or structure. (13 DCMR § 712.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Erecting a variable message sign on private property that exceeds the size limit. (13 DCMR § 712.4)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Erecting a variable message sign that exceeds the total height or does not have enough clearance above the ground. (13 DCMR § 712.5)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a variable message sign that displays one image for less than eight (8) seconds or transitions between images for more than two (2) seconds. (13 DCMR § 712.7)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a real estate sign that exceeds twenty square feet (20 sq. ft.) if located within a residential district, or sixty square feet (60 sq. ft.) otherwise. (13 DCMR § 713.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 100
Locating real estate sign on premises other than those being advertised. (13 DCMR § 713.3)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 100
Displaying a sign on private property in excess of the size limitations specified for each sign. (13 DCMR § 714.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Using sign posts for signs on private property that extend over any walkway or roadway unless there is at least eight feet (8 ft.) clearance above the walkway or fifteen feet (15 ft.) clearance above the roadway. (13 DCMR § 721.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Failure to locate a Residential District sign entirely on private property or on the portion of the building or premises occupied by the use for which the sign is authorized. (13 DCMR § 724.3)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 100
Using fluctuating, pulsating, or moving lights or lighting designed to change appearance in any manner on a Residential District sign. (13 DCMR § 724.4)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a DEA sign greater than of one thousand two hundred square feet (1,200 sq. ft.). (13 DCMR § 805.4)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a DEA sign with distracting lights. (13 DCMR § 805.5)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a DEA sign that emits audio or sound. (13 DCMR § 805.6)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a digital screen, digital video monitor, or animated DEA sign directly across from and parallel to a residential building. (13 DCMR § 805.7)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a DEA sign on a roof that does not comply with the standards set forth in Chapter 8. (13 DCMR § 805.8)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Installing a DEA sign that displays one image for less than eight (8) seconds or transitions between images for more than two (2) seconds. (13 DCMR § 805.9)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing signs on a building façade facing a public street that exceeds twenty percent (20%) of the total area of that façade. (13 DCMR § 805.10)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 100
Projecting a Gallery Place Project Graphic beyond those limits specified in this title. (13 DCMR § 806.4)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Displaying a sign on the Verizon Center without a permit or in violation of this title. (13 DCMR § 806.5)	Yes			\$5 per square foot
Displaying a special sign on private property without a permit. (13 DCMR § 902.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Displaying a special sign on private property without a special sign artwork permit. (13 DCMR § 902.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Displaying a special sign within one hundred feet (100 ft.) of a Residential District, as defined in the Zoning Regulations. (13 DCMR § 906.1(a))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign within one hundred feet (100 ft.) of a school or church with a valid certificate of occupancy for such use. (13 DCMR § 906.1(b))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign within one hundred feet (100 ft.) of a federal or District of Columbia park or monument. (13 DCMR § 906.1(c))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Displaying a special sign between one hundred and two hundred feet (100 ft.- 200 ft.) of a Residential District, as defined in the Zoning Regulations, without facing the sign away from the Residential District or placing the sign at an angle of forty-five degrees (45°) or less with the closest Residential District boundary line. (13 DCMR § 906.1(d))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign in or within sixty feet (60 ft.) of any Historic District, Historic Landmark, or site listed on the most current edition of the “District of Columbia Inventory of Historic Sites,” unless the Special Sign is located outside a Residential District, on a side-wall or back-wall of the building or site, and HPO approves the Special Sign, if necessary. (13 DCMR § 906.1(e))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign in or within one hundred feet (100 ft.) of premises within the area controlled by the Old Georgetown Act (D.C. Official Code § 6-1201 <i>et seq.</i> (2008 Repl.)). (13 DCMR § 906.1(f))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign in a waterfront district in violations of specific prohibitions contained in the Zoning Regulations. (13 DCMR § 906.1(g))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Displaying a special sign on a property that is classified by the Office of Tax and Revenue as Class 3 or Class 4 for property tax assessments. (13 DCMR § 906.1(h))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign on a property whose owner of record, as listed in the property tax records of the Office of Tax and Revenue, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the District of Columbia Office of Tax and Revenue. (13 DCMR § 906.1(i))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign viewable from within six hundred sixty feet (660 ft.) of a federal aid highway. (13 DCMR § 906.1(j))	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Installing a special sign with any part of either the special sign or its supporting structure protruding above the wall upon which it is installed. (13 DCMR § 907.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a self-standing special sign greater than thirty feet (30 ft.) in height or without at least eight feet (8 ft.) of clearance from the ground. (13 DCMR § 907.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a special sign that covers an existing window. (13 DCMR § 907.3)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Installing a special sign that extends above the lowest portion of the roofline of an existing building. (13 DCMR § 907.4)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a special sign so that the topmost point of the special sign or its supporting structure is higher than the allowable height for a new building at the premises, as provided by the Zoning Regulations. (13 DCMR § 907.5)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a special sign that contains 3-dimensional, moving, animated, or periodically-changing images or text. (13 DCMR § 908.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying an illuminated special sign within five hundred feet (500 ft.) of a Residential District, as established in the Zoning Regulations. (13 DCMR § 908.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying a special sign that is internally illuminated or constructed of or incorporating neon, or any other type of gas or vapor lights. (13 DCMR § 908.3)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Transfer of a special sign to an unauthorized location. (13 DCMR § 909)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000
Failure to remove a special sign in a manner that leaves the existing structure in a stable, undamaged, and sign-free condition. (13 DCMR § 910.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Displaying an unauthorized billboard. (13 DCMR § 1003)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 2000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Failure to repair a billboard that has deteriorated less than fifty percent (50%) of its replacement value within the specified amount of time. (13 DCMR § 1007.1)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 500
Failure to remove a billboard that has deteriorated more than fifty percent (50%) of its replacement value within the specified amount of time. (13 DCMR § 1007.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 500
Failure to remove a billboard that has deteriorated less than fifty percent (50%) of its replacement value but has not been repaired within the specified amount of time. (13 DCMR § 1007.2)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 500
Installing a sign that fails to meet the structural and material requirements imposed by this title. (13 DCMR § 1102)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a sign that fails to meet the incombustible material requirements, imposed by this title. (13 DCMR § 1103)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a sign with combustible material that fails to meet the combustible material requirements imposed by this title. (13 DCMR § 1103)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a sign with glass that fails to meet the glass requirements imposed by this title. (13 DCMR § 1104)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000
Installing a sign requiring electrical service, including illumination, that fails to meet the electrical requirements imposed by this title. (13 DCMR § 1105)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
Installing a sign with an animated device or animated devices that fails to meet the animated devices requirements imposed by this title. (13 DCMR § 1106)	Yes (DC Code § 42-3131.01 <i>et seq.</i>)			\$ 1000

1201.2 Any person violating any provision of this title for which a specific penalty is not provided shall be punished by a fine of not more than five hundred dollars (\$500).

CHAPTER 13 SCHEDULE OF PERMITTING FEES

1300 SCHEDULE OF PERMIT APPLICATION FEES

1300.1 The fees stated in the following schedule shall apply to permit applications submitted pursuant to this title:

Signs on Public Space

Application Fee \$50

Permit Fees

Freestanding sidewalk sign \$50
 (§606 - A-frame, sandwich board or other portable unlit sign)

Banners (§ 607) \$50 per light pole

Permanent signs (§608) \$135

[This section needs to have the fees added for special sign transfer applications, and for special sign artwork applications.]

CHAPTER 99 DEFINITIONS

9900.1 As used in this title, the following terms shall have the meaning ascribed:

ASTM – the American Society for Testing Materials.

Awning – an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is composed of a lightweight, rigid skeleton structure over which a covering is attached.

Banner – a hanging sign, typically of fabric, that can be hung perpendicular or parallel to the face of a building.

Billboard – a permanent signboard or structure on which lettering or images can be attached or posted, as further defined in the D.C. Building Code.

Bulletin – a free-standing or wall-mounted sign box usually constructed of metal with a hinged glass face, housing a letter board for changeable copy.

Call to Action – an explicit, specific or blatant message to consumers from the sponsor that asks consumers to take action by purchasing, using, or considering the use of a sponsor's product or service, including providing price or value information and inducements to act.

Canopy – an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and at the outer end by at least one stanchion. A canopy is comprised of a rigid structure over which a covering is attached.

Chinatown – the area bounded by Mount Vernon Square, Massachusetts Avenue NW, 5th Street, NW, G Street, NW, and 8th Street, NW, as defined by title 10-B DCMR chapter 24.

Chinatown Steering Committee – the Chinatown community organization, authorized under Mayor's Order 89-132, effective June 9, 1989, to advise the District government on physical, economic, and social impacts in Chinatown.

Chinatown Design Guidelines Study Report – the publication that establishes building design guidelines and streetscape standards for Chinatown. *See* <http://planning.dc.gov/DC/Planning/In+Your+Neighborhood/Wards/Ward+2/Small+Area+Plans+&+Studies/Chinatown+Design+Guidelines+Study>.

Clean Hands Act – Clean Hands Before Receiving A License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code § 47-2861 *et seq.* (2012 Supp.)).

Commission – the Commission of Fine Arts.

Designated Entertainment Area – any location recognized by the Mayor as a destination venue that provides events, performances, or activities designed to entertain others.

Directional Sign – a sign providing information, either written or visual, that helps direct a person to a destination.

Display – to erect, hang, place, post, paint, or maintain a sign

Drip Line – the area beneath the tree canopy which extends from a tree trunk’s outermost leaves.

Event – an occurrence, happening, activity, or series of activities, specific to an identifiable time and place, if referenced on the sign itself or reasonably determined from all circumstances by the enforcement official.

Fixture – a permanent installation on public space that includes lamp posts, telephone poles, and electric poles. The term fixture does not include traffic boxes, bus shelters, traffic lights, or regulatory signs.

Historic Preservation Office or HPO – the administrative staff of the Mayor's Agent, State Historic Preservation Officer, and Historic Preservation Review Board.

Historic Preservation Review Board – the Historic Preservation Review Board established by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.* (2008 Repl.)).

Historic Sign – a sign that is original to a building, historically significant, or at least fifty (50) years old and which has features, qualities, or associations that may warrant preservation.

IBC – International Building Code.

Interior Sign – any sign that is more than a building and located within 18 inches (457 mm) of a window or entryway.

[Comment - This revision retains the elements of “Signs Within a Building” exception in the current sign regulations that continues to be necessary to clarify the distinction between exterior and interior signs]

Logo – the symbol, emblem, typeface, or other visual device used by the sponsor to identify itself and to distinguish itself from others in the marketplace.

Mayor's Agent – the person officially designated by a Mayor's Order to carry out specified functions pursuant to the Historic Protection Act, or the hearing officer to whom the officially designated Mayor's Agent has delegated the authority to hold public hearings pursuant to the Act.

National Capital Planning Commission (NCPC) – the U.S. government agency that provides planning guidance for Washington, D.C. and the surrounding National Capital Region.

Old Georgetown Act – An Act To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital, approved September 22, 1950 (64 Stat. 904; D.C. Official Code § 6-1201 *et seq.* (year)).

Off Premise Sign -- A sign that disseminates a message for goods, or services that are actually sold, or offered on the premises where the sign is located.

On Premise Sign – A sign that disseminates a message for goods, or services that are actually sold, or offered on the premises where the sign is located.

Permit Holder – the person, organization, or other entity issued a sign permit by the Director of DCRA or DDOT.

Person – any individual, corporation, company, association, partnership, limited liability corporation, or company, firm, organization, or society.

Public Market – a vending operation which takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, and services provided on site. The term “public market” may include a farmer’s market, flea market, antiques market, or other similar type of market.

Public Parking – that area of public space devoted to open space, greenery, parks, or parking that lies between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District.

Public Space Committee – the committee established for the purpose of making final determinations in cases involving the use of public space as specified by Mayor's Order No. 1977-150, effective August 31, 1977, as amended.

Real Estate Sign – a sign announcing the sale, rent, or lease of land or premises.

Replica sign – a sign that replicates a historic or vintage sign

Shipstead-Luce Act – An Act To regulate, the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital, approved May 16, 1930 (46 Stat. 366; D.C. Official Code § 6-611.01 *et seq.* (year)).

Show window – a window for a street-level business behind which goods or services are displayed to passersby.

Sign – a physical medium or display, including its structure and component parts, used to advertise, identify a person, object, or entity, or to provide information, consisting of words, letters, figures, designs, symbols, numbers, illumination, or projected images.

Special Sign—a sign that meets the standards stated in chapter 9 that is displayed on an outdoor or exterior wall or surface of a building pursuant to a Special Sign Permit issued by the Director of DCRA.

Special Sign- one of thirty-two Special Signs that the Director of DCRA has approved pursuant to the Rules for Special Signs adopted September 22, 2000 (47 DCR 7695).

Special Sign Artwork – the visual characteristics on a special sign that meets the standards stated in chapter 9.

Special Sign Artwork Permit-a permit issued by the Director of the DCRA that authorizes the Holder of a Special Sign Permit to change the message disseminated on a Special Sign.

Special Sign Permit-a permit issued by the Director of DCRA that initially authorized a Special Sign.

Special Sign Transfer of Location Permit-a permit issued by the Director of the DCRA that authorizes the Holder of a Special Sign Permit to locate a Special Sign, or relocate a Special Sign from one location to another.

Sponsor – the entity that contracts with the Permit Holder for the use of a Special Sign to display the Sponsor's artwork that meets the visual and text standards of section 905.

Standard Specifications for Highways and Structures – the District of Columbia Department of Transportation Standard Specifications for Highway Structures (2009).

<http://dc.gov/DC/DDOT/Projects+and+Planning/Standards+and+Guidelines/DDOT+Standard+Specifications+for+Highways+and+Structures+-+2009>.

Temporary Sign – a sign erected for a limited and defined period of time.

Tourism Service Buses – A bus licensed by the District of Columbia for the purpose of transporting passengers to and from historic, cultural, and/or entertainment sites in the District.

Variable Message Sign – a sign that displays three-dimensional, moving, rotating, flashing, animated, or changing images or text, and is propelled by wind, solar, or electric power. A variable message sign includes a sign that displays 3-D, moving, animated, or digitally-changing images or text. Full motion video signs are not included.

Vintage Sign – a sign less than fifty (50) years old which has distinctive characteristics or aesthetic qualities that lend character to a building or district.

Zoning Regulations – Title 11 DCMR.

II. Section 12-A DCMR 3107A is repealed.

III. Section 24 DCMR 108 is repealed.

IV. The following language from 24 DCMR § 1380.3 is repealed:

Posting notices on public lampposts (24 DCMR 108.1)	Yes	1st violation within 60-day period	\$ 150	8
		2nd violation within 60-day period	\$ 300	16
		3rd violation within 60-day period	\$ 600	32
		4th violation within 60-day period	\$ 2000	100
Signs or posters in public space (24 DCMR 108.2)	Yes	1st violation within 60-day period	\$ 150	8
		2nd violation within 60-day period	\$ 300	16
		3rd violation within 60-day period	\$ 600	32
		4th violation within 60-day period	\$ 2000	100

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than sixty (60) days after the publication of this notice in the *D.C. Register*, with Alice Kelly, Manager, Policy Branch, Policy, Planning and Sustainability Administration, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to policy.ddot@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.