

OFFICE OF THE MAYOR

NOTICE OF PROPOSED RULEMAKING

The Mayor of the District of Columbia, pursuant to the Sign Regulation Authorization Emergency Amendment Act of 2012 (Act), effective July 11, 2012 (D.C. Act 19-387; 59 DCR 8491), and any substantially similar successor legislation; section 1 of An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, effective July 11, 2012 (D.C. Act 19-387; D.C. Official Code § 1-303.21), and Mayor's Order 2011-181, dated October 31, 2011, hereby gives notice of the intent to adopt a new title 13 (Sign Regulations) of the District of Columbia Municipal Regulations (DCMR).

The proposed new title would update and consolidate the District's current sign regulations into a single title, removing the bulk of these provisions from the Building Code and scattered sections of the DCMR. It would clarify provisions relating to approval of Special Signs and billboards; amend the current rules to respond to issues raised by the Federal Highway Administration; create new Designated Entertainment Areas that would be open to the display of new signs; clarify the existing regulations as they relate to signs on public space, private property, and specific areas of the District; establish a means for enforcement; and establish a permit application fee schedule and a schedule of fines and infractions.

The Mayor also gives notice of his intent to take final rulemaking action to adopt the proposed new title in not less than forty-five (45) days after the date of publication of this notice in the *D.C. Register*. Section 2(a) of the Act requires the Mayor to submit the proposed rules to the Council for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The proposed rules shall not become effective until the rulemaking is approved or deemed approved by the Council.

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

Overall, everyone who worked on this draft is to be commended, for a generally well done job of rationalizing, organizing and bringing up to date rules from disparate sources that were not always mutually consistent. This was a difficult task and long overdue. Our comments are interspersed in the text below in red. A substantial number are merely explanatory observations, while others raise questions or make recommendations for changes in the text.

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CHAPTER 1 PURPOSE AND SCOPE

100 PURPOSE

There is comparable statement of purpose contained in the current sign regulations in Section 3107A of DCMR Title 12.

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 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, ~~in order to 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.

The second sentence is confusingly worded: does the phrase “to convey information; maintain the health etc.” modify “regulate” or “display”? And neither of these options is fully appropriate, since on the one hand all signs by definition convey information, and other the other hand conveying information in itself would not seem to be one of the purposes of sign regulation. **Suggest considering the amendments indicated above. .**

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;

This seems a very weak treatment of the aesthetic interests to be served by sign regulations. Suggest adding: “and protect the distinctive streetscapes and viewsheds of the nation’s capital.”

(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 areas, when not in conflict with this title or any other federal or local law;

The phrase “through District planning documents” should be struck. The regulations should not suggest that decisions on what areas, if any, qualify to be “Designated Entertainment Areas” (see, below, Chapter 8) are to be left to the Office of Planning and the Mayor. It should be borne in mind that the Comprehensive Plan, in Policy ED-2.3.6, supports “continued concentration of entertainment uses in the Gallery Place/Convention Center area . . . to avoid the over-concentration of these uses in neighborhoods where they might have adverse effects.”

(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.

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101 SCOPE

101.1 This title governs the display of signs on private property and 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.

12 DCMR 4107.1, a similar statement of scope, contains an exception for “non-commercial statements of fact, belief or personal or political opinion”, but none of the foregoing exceptions. 101.1 carries forward 12 DCMR 3107.3.5.3, “Signs within a building”.

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

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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.

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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.

The second sentence carries forward 12A DCMR 3107.3. That section does not explicitly prohibit “display” without a permit, but prohibits “erection” and a list of some eleven other operations on a sign without a permit (e.g. “maintenance”, repainting”). 12A DCMR 3107.3.5 enumerates some seven exemptions from permits (e.g. signs within a building), whereas 201.1 merely incorporates any exemptions found elsewhere in the new regulations. **Reverting to the practice of listing all exemptions in the same section as the general prohibition would produce a much more user-friendly provision.**

- 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.

Carries forward 12A DCMR 3107.5..

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

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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.

Whereas this section incorporates by reference various requirements presumably found elsewhere, 12A DCMR 3107.3 ;enumerates certain permit application requirements for all signs. **To make the provision more user friendly, this section should provide citations to all sections setting out requirements that the permit application must meet.**

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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, 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 reasons for the denial no later than fourteen (14) days after the application is officially denied.

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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 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 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

Carries forward 12ADCMR 3107.4.2

- (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)).

Carries forward 12ADCMR 3107.4.1

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).

This provision and Section 303 below regarding procedures for the filing and review of applications appear to carry forward rules set out on the CFA website; we have not determined the extent, if any, to which such regulations appear in DCMR or the Code of Federal Regulations.

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.

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12A DCMR 3107.4.1 requires CFA review of signs before a permit can be issued. It does not contain the above exceptions for temporary signs (are they found elsewhere in that title?). In any event, those exceptions seem appropriate.

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 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 forty-five (45) days after receipt.
- 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 applicable provisions of this title.
- 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.

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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.

Sections 304, 305 and 306 carry forward, with certain exceptions noted below, 12A DCMR 3107.4.1 (Shipstead-Luce submissions) and 3107.4.2 (Old Georgetown submissions)., which are identical.

Billboards, roof signs, revolving signs and projecting signs are prohibited by 12A DCMR 3107.4.1.1, but the latter two have been dropped from the list in this proposed Section. Revolving signs, however, would be prohibited by the proposed section 305.4 requiring that signs be stationary. The proposed section adds flashing neon signs, electronic signs and Special Signs to the prohibited list. **Projecting signs should be restored to the prohibited list.**

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; 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.

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- 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.

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This section and the preceding one (305) carry forward provisions in 12A DCMR 3107.4.1.1 - ,9,, with two significant exceptions:

(1) Section 305.1(d) would establish an open-ended additional category of permitted signs. **This permission is either broader than the existing "exception" category carried forward in 306 or redundant of it; it invites attempts at further broadening of the Commission's discretion and should be struck.**

(2) **Limitations on sign copy and number of colors (112A DCMR 3107.4.2.5 and .6) have been dropped.** At a minimum an explanation should be provided. While the color restriction might be thought inconsequential, the present regulation limits sign copy to the name, address and type of business of the establishment, and dropping it would presumably authorize any sort of commercial messaging, on signs that could be as large as 5' x 5'. **The limitation on sign copy should be restored.**

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

This chapter appears intended to supplement, rather than replace, existing 10C DCMR 25, *Standards for signs, awnings and canopies*, a part of Title 10C, *Historic Preservation*. Proposed 400.3 requires that official evaluation of proposed signs follow 10C DCMR 25. 10C DCMR 25 contains no provisions on requirements for permit applications, and these are supplied by proposed Section 402.

Parts of the proposed new regulations do, however, cover some of the same subjects as the existing ones, and require attention:

- (1) Section 403, enumerates the same prohibited signs, including "televisions and video monitors", as the existing regulation (10C DCMR 2506), but would allow "digital signs and video monitors in storefront windows," if

limited in size. **Absent some convincing justification of this apparent relaxation of the existing rule, it should be dropped.**

- (2) **Section 404, *Master Plans for Signage*, repeats verbatim 10C DCMR 2511. 404 should be dropped:** it will be confusing enough to have to decipher two sets of rules on signs in historic areas, without having to puzzle over a superfluous duplicative provision.
- (3) **Both new section 405 and existing 2511 are headed “Temporary signs”. At least sections 405.2 through .5 should be dropped as almost exactly duplicative of parts of section 2511, and 405.1 appears to be superfluous as well.**

Proposed 406.3, on signs on canopies, is apparently new and should be retained.

400 APPLICABILITY

400.1 This chapter shall govern signs:

- (b) On buildings or land within a historic district designated by the Historic Preservation Review Board (HPRB);
- (c) On buildings or land designated as a historic landmark by the HPRB; and
- (d) 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.

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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.

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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.

- 402.2 The application shall be submitted to the permitting official who shall refer the application within thirty (30) days of receipt to the HPRB through the HPO for review.
- 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.
- 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.
- 402.6 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.
- 402.7 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.
- 402.8 If there is a conflict between the requirements of this title and the requirements of Title 10-C, the more restrictive shall apply.

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403 PROHIBITED SIGNS

- 403.1 Billboards and Special Signs are prohibited on historic landmarks and in historic districts.
- 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.
- 403.3 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.

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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.

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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.

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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.

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CHAPTER 5 CHINATOWN DISTRICT REVIEW PROCEDURES

DCMR Title 10-B, *Planning and Development*, Chapter 24, *Chinatown Design Review Procedures*, by its terms deals with permit review procedures for “projects” as to which DCRA is required to submit permit applications to the Office of Planning. It explicitly covers permits for signs, in that OP is to review the application on the basis “Contribution of building design, including signs and awnings, to the Chinese identity of Chinatown;” 10B DCMR 2400.2(b). It sets out detailed provisions on application for and review of permits.

The proposed Chapter 5 is apparently intended to supplement 10B DCMR 24 by establishing even more detailed procedures for application for and review of permits for signs in Chinatown, and states that applications are to be “reviewed and evaluated . . . against the principles, standards, and design guidelines in Title 10-B DCMR, Chapter 24 and this chapter.” Section 500.3 It provides also that “Notice and coordination of design review shall be subject to title 10-B DCMR, Chapter 24 and Chapter 6 of this title.” Section 503.7.

This chapter needs the same sort of cleaning up that is called for as to Chapter 4 above. It needs to make explicit, by citation to the relevant sections of both the existing and the proposed regulations, exactly which

provisions govern application for Chinatown sign permits and review of such applications and which do not. This would be most cleanly done by amending both sets of regulations, but can be achieved by amending the proposed regulations only.

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.

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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.

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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) 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 sixty (60) days from receipt of all required information necessary to perform the review.
- 502.5 The review may be extended by no more than four (4) additional thirty (30) day extensions subject to written notice to the applicant. Any additional extensions may be allowed when agreed to by the applicant.
- 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.

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CHAPTER 6 SIGNS ON PUBLIC SPACE

This chapter is a lengthy and detailed set of rules governing temporary and permanent signs in public space, both those erected on “fixtures” (e.g. light or electricity poles) and those resting on or fixed in the ground (e.g. A-frame sidewalk signs, bulletin signs typically used by churches). The existing regulations in DCMR dealing with signs in public space are fairly skimpy. 12A DCMR contains at least six such provisions: requiring permits for such signs (3107.7.8), prohibiting carrying signs on public space (with certain exceptions such as picketing signs) (3107.7.9), allowing signs on WMATA vehicles in public space (3107.7.10), allowing temporary street decorations (3107.6.6.2), and regulating the projection into public space of “banner signs and flags” (all of which are to be repealed as part of the repeal of 12A DCMR 3107.A). The one provision to be found in 24 DCMR (*Occupation and Use of Public Space*) dealing with signs in public space (24-107.8, regarding holiday banners, ornaments or lights) is also to be repealed. (See sections II and III and the very end of the Notice of Proposed Rulemaking.)

On its face, this Chapter seems to have done a commendably better job than Chapters 4 and 5 of bringing together in one place almost all of the substantive and procedural rules governing the topic; where necessary, repealing existing regulations on the same topic; (apparently) elevating existing agency practices to the status of codified regulation; and clearly informing the user as to what additional rules must be consulted.

However, a caveat: We have not yet been able to identify any existing legislative or regulatory provisions covering this subject beyond those mentioned above. It seems likely that some of the proposed rules are reflected currently only in DDOT policy. (The DDOT website, in providing rules on applying for permits for banners on public space, cites “DDOT policy” as one source). The entire Notice of Proposed Rulemaking is unfortunately devoid of any information as to whether a given section is carried forward from an existing provision, carried forward with modification, or new. Consequently it is often difficult, and in some cases impossible, to determine how much new policy is being made by the proposed regulations and how much existing policy is being altered or

abandoned, and thus to arrive at a comprehensive evaluation of the proposed regulations.

Lacking the benefit of this information, our examination of this proposed chapter raises only a few concerns, reflected in comments below in specific provisions:

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.

A definition of “public space” should be added to Chapter 99 below, which already contains a definition of “public parking” and “Public Space Committee”. The Definitions section of 24 DCMR (*Occupation and Use of Public Space*) contains no definition of “public space”. There may be one elsewhere in DCMR or the DC Code.

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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).

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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.

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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.

- 603.4 In addition to the permit application requirements stated in § 603.1, an applicant for a permanent sign permit shall:
- (a) Demonstrate that the applicant is the owner of the business where the sign will be displayed;
 - (b) Provide design specifications showing that the sign complies with the standards stated in § 608.

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604 ACTION ON A PERMIT APPLICATION

- 604.1 The permitting official shall refer all applications for permits for permanent signs on public space to the Public Space Committee.
- 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.

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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 display a sign on public space, except as provided in this section.
- 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.

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606 FREESTANDING 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.

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607 BANNERS

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

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.

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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 a permanent sign on public space, except as provided in this section.

608.2 No permanent sign shall be 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.

A definition of “monument sign” should be added to Chapter 99 below.

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.

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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 vehicles under the control and operation of the Washington Metropolitan Area Transit Authority 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 ten percent (10%) of the total number of Metrobus vehicles available for public transit operations shall be reserved for free public service announcements and advertisements regarding community, art, cultural, educational, and similar events.

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.

12A DCMR 3107.7.12 et seq., which is still carried as in force on the District's website, allows commercial advertising on taxicabs. Is it in fact still in force, and if so, what is the reason for failing to carry it forward here?

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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.

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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 exterior advertising.

We have identified at least 19 provisions in the Zoning Regulations that make reference to signs, either by prohibiting a sign, permitting a sign, or indicating that the Board of Zoning Adjustment may establish conditions regarding signage in particular cases. **Ideally a person considering erection of a sign on private property would be able to find, in the sign regulations, references to all provisions relevant to his or her proposed sign. The current proposed regulations contain some such references, but we would recommend that an effort be made to include all such references.**

Several sections in this chapter apply to signs erected wholly or partly in public as well as private space (e.g. 706.3, 706.6, 708.7 708.9), and to this extent should be incorporated by reference or otherwise into Chapter 6.

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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.

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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.

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

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704 ACTION ON A PERMIT APPLICATION

- 704.1 The permitting official shall review the permit application within thirty (30) days of submission.
- 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).
- 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.
- 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.

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705 GENERAL REQUIREMENTS AND RESTRICTIONS

- 705.1 No 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.
This provision appears to carry forward 12A DCMR 3107.6, which, however, lacks the qualifier “advertising” before “sign”, and then lists exceptions to the prohibition. There is no reason the prohibition should be narrower in the proposed regulation than in the existing one, particularly since the proposed regulations proceed to set out numerous exceptions to it. Consequently “advertising” should be deleted, and a clause such as “except as otherwise provided in this Chapter” added at the end.
- 705.2 No more than fifty percent (50%) percent of the area of an advertising sign shall be used to advertise products or commodities, and these shall be items actually sold on the premises.
- 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.

This provision appears to carry forward, in severely weakened form, 12 DCMR 3107.13, *Dangerous Signs*. The existing provision places an affirmative duty

on the code official to order the sign to be “taken down, removed, or made safe”, and places an affirmative duty to comply on the “owner, occupant, agent, or person having the beneficial use” of the premises. The proposed new provision should be amended so as to do the same.

- 705.6 All signs displayed without a required permit shall be deemed unauthorized and shall be subject to removal.

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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.

As suggested above, this provision should be incorporated by reference in 605, *Temporary signs on public space* . Alternatively, the phrase “or the public space between the building and the structure” should be deleted here, and incorporated into a new provision dealing with temporary business identification signs in public space to be included at that point.

- 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;
 - (2) A variable message sign;
 - (3) A projecting sign;
 - (4) A billboard;
 - (5) Illuminated; or
 - (6) Audible; and
- (c) The sign is not more than twenty square feet (20 sq. ft.) in area.

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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.

Carries forward (in part) 3107.6.8

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708 PROJECTING SIGNS This section carries forward 12A DCMR 3107.7.- .5

- 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.

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709 SIGNS ON ROOFS This section carries forward 12 DCMR 3107.7.2.

709.1 Signs on roofs are allowed if:

- (a) They are not erected above the height limit established by the Zoning Regulations;

It is not clear which height limit is intended here – the building height measured to the roof or parapet, or the total height including any allowable roof structures. The old regulation, 3107.7.2, purports to allow a sign to

extend to the height allowed by the Zoning Regulations for *any* structure that is permitted to exceed the building height – i.e., not just penthouses, but smokestacks, towers, minarets and spires, “or any other support media extending above said height limit” (what this last phrase refers to is not clear). Thus a 100 square foot sign could be mounted, e.g., at the top of a church steeple. This is obviously unacceptable, and fortunately both the old and the proposed regulation render it impossible by establishing limits on the size and dimensions of the sign and its height above the building parapet.

We presume that it is not intended to restrict the height of roof signs to the allowable building height as measured to the top of the roof or parapet, since that would make it impossible to place a sign *on* the roof or parapet.. If so, and since under those limits no signs could be as high as even the maximum height allowed for a penthouse roof structure (currently 18.5 feet, 11 DCMR 400.7), **it is not clear that any reference is needed in this section to the “height limit established by the Zoning Regulations.” That reference should probably be struck.**

- (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.

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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.

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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.

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712 VARIABLE MESSAGE SIGNS

This section incorporates portions of 3107.7.11, *Revolving signs*, but drops most of it. It appears to be largely new, to accommodate new technology, while stopping short of the full tech blowout allowed or proposed for “Designated Entertainment Areas”. It amounts to an escalation in the intrusiveness of commercial outdoor advertising in Commercial and Industrial zones, and would doubtless be regarded by the outdoor advertising industry as a camel’s nose under the tent. It would make it possible to turn even neighborhood commercial districts into “little Gallery Places” all over the city, without review by interested residents, property owners, ANC’s or others. **It should be struck, except to the extent that it carries forward existing provisions in 12A DCMR.**

- 712.1 Variable message signs 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.
- 712.2 Variable message signs are prohibited on the roofs 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 negatively impacts vehicular traffic safety.

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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.).

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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.

For purposes of clarity and simplification, this section should be folded into 723.1, which already incorporates it by reference.

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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.

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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

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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

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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.

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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.

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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.

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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.

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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

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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.

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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.

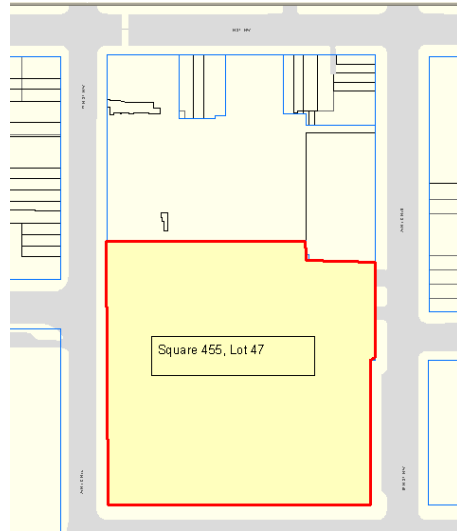
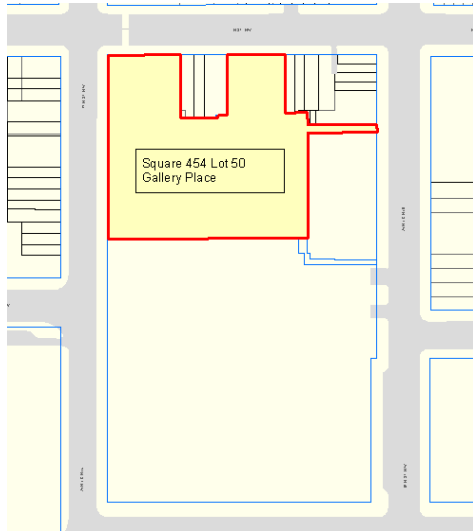
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CHAPTER 8 DESIGNATED ENTERTAINMENT AREA SIGNS

Please see separate comments on this Chapter.

800 APPLICABILITY

- 800.1 This chapter shall govern signs within Designated Entertainment Areas (DEAs).
- 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

For reasons explained separately, §§800.2 (c) and (d) should be struck,, and §800.2(e) should be modified to require, in order to establish a new DEA, affirmative action by the Council on detailed proposals identifying precisely what types of signs are to be displayed, and under what special terms and conditions applicable specifically to the area in question, on the basis of specific information about each sign proposed for the area; if initiated by the Mayor, any proposal to

create a new DEA must go to the Council as a proposed rulemaking for approval by the Council.

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

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.

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.

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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.

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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;
- (i) Any other applicable permit required by this title; and
- (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.

804.4 The permitting official shall refer all applications for DEA sign permits to DDOT 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 and OP shall submit a written report to the permitting official within 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 expiration of the time period provided in § 804.5.

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.

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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.
- 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 have such intensity or brilliance as to cause glare or impair the vision of any driver, otherwise interfere with the driver's operation of a motor 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.
- 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.);
 - (d) The maximum total area of all roof signs placed on one (1) roof shall be two-hundred square feet (200 sq. ft.);
 - (e) No more than two (2) signs shall be placed on a roof of any building;
 - (f) A roof sign shall not have moving graphics or flashing or strobe lights;
 - (g) 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;
 - (B) The National Mall;
 - (C) A national memorial;
 - (D) U.S. Capitol Building and Grounds; or
 - (E) The White House.

Five hundred feet, the length of an ordinary city block, is inadequate to protect against unacceptable visual intrusion by a 10' x 20' sign mounted up to 90 feet high. The distance should be expanded to 1500 feet, and the protected areas should include historic districts and landmarks.

- 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.

For reasons explained separately, §805.11 should be struck.

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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, signs may advertise off-premises businesses, including the goods and services sold at these businesses; provided that:

- (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
- (c) In the Ballpark Area, the signs are facing into any site or any alley.

§806.2 (b) and (c) should be struck, pending any future decisions establish these DEAs.

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.

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) 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.).

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CHAPTER 9 SPECIAL SIGNS

900 APPLICABILITY

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

- 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.

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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.

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902 PERMIT REQUIRED

- 902.1 No Special Sign or Special Sign Artwork shall be displayed or transferred without a Special Sign permit and approval of the artwork in accordance with this chapter.
- 902.2 A Special Sign requires both an approved Special Sign permit and an approved Special Sign Artwork permit.
- 902.3 The twelve (12) self-standing Special Signs approvals existing as of January 1, 2004, shall be allowed to remain or be transferred within the area specified in § 909.1(c); provided, that the transfer of an existing self-standing Special Sign to a new self-standing sign location is subject to the following additional conditions:
- (a) A transferred self-standing Special Sign shall be issued a Special Sign permit and shall be allowed to remain in its transferred location for only a two (2) year time period beginning on the latter of the date of issuance of the Special Sign transfer permit or the date of issuance of the associated building permit for the Special Sign structure; and
 - (b) The location to which the self-standing Special Sign is transferred shall be a future construction site, to be developed in the foreseeable future as demonstrated by development plans, marketing materials, or ongoing administrative processes to develop the site.

Self-standing Special Signs are in every respect functionally equivalent to billboards, which the existing and proposed regulations prohibit in the District., except that they can be very much bigger than is allowed for DC billboards. This section carries forward the restrictions on transferability now found at 12A DCMR 317.17.1. Casual observation raises serious questions about whether this restriction has been enforced in good faith – witness the familiar double-faced Special Sign that has been a fixture at 6th and New York Avenue NW for years. **If**

DCRA is interpreting the language on calculating the two-year time period to mean that a sign can remain indefinitely so long no building permit for the planned project for the site has been issued, that interpretation is clearly wrong and must be changed. The regulation clearly means that no self-standing sign can lawfully exist for longer than two years, and super-annuated freestanding Special Signs should be required to be removed.

- 902.4 No new Special Sign permits shall be issued after November 9, 2000, except permits for changes in artwork pursuant to § 905 and for transfers of location pursuant to § 909.

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903 PERMIT APPLICATION PROCESS

- 903.1 An application for a Special Sign 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;
 - (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;
 - (c) 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 Special Sign;
 - (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 and to the application of relevant enforcement mechanisms included in chapter 12.

12A DCMR 317.17.3 requires submission of a list of all Special Signs existing within a thousand-foot radius of the proposed location. We see no reason for omitting that requirement here; it should be restored.

903.2 The permitting official shall refer all applications for Special Sign permits to the following agencies for review and recommendations before a permit is issued:

- (a) DDOT, which shall determine that the Special Sign location, size, lighting, and height above grade comply with federal law and do not negatively impact vehicular and pedestrian traffic safety ; and
- (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) 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 approve or deny the Special Sign permit application.

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

903.6 No Special Sign shall receive a permit unless the Special Sign complies with all applicable District and federal laws and regulations.

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904 APPLICANT QUALIFICATIONS

904.1 An applicant for a Special Sign permit, 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; and
- (c) Be in compliance with the Clean Hands Act.

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905 SPECIAL SIGN ARTWORK PERMIT

- 905.1 All Special Sign Artwork shall be approved prior to installation, whether as new or replacement artwork for an approved Special Sign or as part of the transfer of a Special Sign.
- 905.2 A Special Sign permit holder may change the Special Sign Artwork on an approved Special Sign by filing an application pursuant to § 903.1, 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.
- 905.3 A Special Sign Artwork permit application shall be submitted in accordance with § 903.1, either with the original Special Sign permit application or after the issuance of the Special Sign permit.
- 905.4 The permitting official shall not approve a Special Sign Artwork permit if the Artwork violates District or federal law.
- 905.5 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.
- 905.6 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.

905.7 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.

905.8 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.

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906 LOCATION LIMITATIONS ON SPECIAL SIGNS

906.1 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;

12A DCMR 317.17.10 requires that special signs in a Historic District or on a Historic Landmark or site be removed within six months of their erection.

Nothing has changed to diminish the need for this requirement, and it should be restored.

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

12A DCMR 317.17.5.5 requires DDOT to determine that the proposed location is “compatible with any existing park or building under the control of either the District of Columbia or the Federal government, pursuant to applicable laws and regulations.” This provision has been dropped, and should be restored.

12A DCMR 317.17.5.6 establishes limits on the density of Special Sign locations within a 1000-foot radius. This provision has been dropped, and should be restored.

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907 INSTALLATION

- 907.1 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.
- 907.2 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.

- 907.3 A Special Sign shall not be installed on building walls so as to cover any existing window.
- 907.4 A Special Sign shall not be installed so as to extend above the lowest portion of the roofline of an existing building.
- 907.5 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.

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908 ILLUMINATION

- 908.1 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.
- 908.2 A Special Sign located within five hundred feet (500 ft.) of a Residential District, as established in the Zoning Regulations, shall not be illuminated.
- 908.3 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.

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909 TRANSFERABILITY OF SPECIAL SIGN LOCATIONS

- 909.1 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, 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;

- (D) 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
 - (E) 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
- (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; provided that, no Special Sign may face South Capitol Street or Potomac Avenue, SE.

For reasons explained elsewhere, this paragraph §909.1(c)(5), which appears to be identical in legal effect to provisions regarding the proposed ballpark area DEA, should be struck. There is no justification for expanding the permissible area for the location of Special Signs.

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910 REMOVAL

- 910.1 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.
- 910.2 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.
- 910.3 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.

As is the case for Gallery Place and the Verizon Center, the provision on Special Signs dealing with enforcement (12A DCMR 3107.18) has been omitted. It should be restored, to govern enforcement alongside the general civil infraction provisions invoked by §§1200.1 and .2 of the proposed regulations.

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CHAPTER 10 BILLBOARDS ON PRIVATE PROPERTY

Commendably, this Chapter does exactly what was needed as to DC billboard regulations: reaffirm the longstanding ban on new billboards, identify the small number of remaining authorized billboards, remove the long-superfluous regulations on issuing permits for new billboards, and maintain rules and procedures for management of the old authorized billboards for so long as they exist. Unfortunately it could not deal with the evasions of the billboard prohibition that have been insinuated into DC law, only the most blatant of which is the authorization of “self-standing Special Signs”.

1000 APPLICABILITY

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

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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.

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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.

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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.

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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
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.

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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.

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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, **shall be immediately removed** and shall not be replaced in any form or in any location.

The clause inserted above in red should be added.

- 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.

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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.

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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.

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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.

This provision carries forward 12A DCMR 3107.14, but unacceptably narrows it so as to restrict only signs that interfere with movement, egress or ventilation in or on a building, whereas the existing provision prohibits blocking windows and certain other building features (e.g. balconies, platforms) without regard to their use for ingress and egress. Relatively few windows in a given building are likely to intended for egress, but no window should be block by a sign. Therefore **the text of the existing section should be retained, incorporating the additional requirement found in the proposed text (regarding free passage on the roof, attachment to a fire escape, and interference with ventilation).**

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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.

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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.

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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
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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	¼	Plain, plate, or wired
>144	>3,600	¼	Wired

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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).

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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.

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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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
other than the owner or occupant of the adjacent public parking. (13 DCMR § 605.3)		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 public fixture or in public space that blocks any portion of the pedestrian or vehicular right of way. (13 DCMR § 605.5)	Yes	First Offense	8	\$ 150
		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	Yes	First Offense	8	\$ 150
		Second Offense	16	\$ 300

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
two hundred square feet (200 sq. ft.) adjacent to commercial zoned properties. (13 DCMR § 605.9)		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. (13 DCMR § 606.3)	No	First Offense	8	\$ 150
		Second Offense	16	\$ 300
		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	No	First Offense	8	\$ 150

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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)		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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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

Infraction (DCMR Citation)	Abatement	Occurrence within 60 days	Service Hours	Fine
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
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).

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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
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Permit Fees

Freestanding sidewalk sign (\$606 - A-frame, sandwich board or other portable unlit sign)	\$50
Banners (§ 607)	\$50 per light pole
Permanent signs (§608)	\$135

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CHAPTER 99 DEFINITIONS

Suggestions for additional definitions have been inserted at two points above.

- 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.

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)).

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

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.

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.

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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.

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