

For the board of County Commissioners
Monroe County, State of Florida

Report of state by state
Laws and Actions taken,
from the desk of Betty B. Wilson

1st of four pages

The fight against Billboards began in 1909, in Hawaii, by a group of woman calling themselves "The Outdoor Circle". The battle for legislation took 14 years, but Hawaii eliminated all polluting signs from their beautiful islands.

The director for tourism for the Hawaiian Is. stated in 1983, "Tourism is important to the economy of the State, and the business community understands the need to protect and preserve the beauty of the islands, in order to promote and perpetuate this industry."

We, the residents of our scenic Florida Keys, feel this way about our 107 mile chain of islands. Many famous people have spoken out against billboards as, "a form of pollution", as far back as Teddy Roosevelt in 1902. They have been called, "Acts of aggression against the American landscape"; "A form of blight which invariably lowers property values, wastes energy, and invariably discourages tourism". "Tourists seek the unspoiled countryside and unobliterated scenic beauty of nature". Unlike what we have developed on the Fl. Keys, with billboards and signs covering up the Atlantic Ocean, the Gulf of Mexico, and the mangrove and native hammocks of our Keys.

"Billboards violate our constitutional right to privacy". Unlike other forms of adv. which can be eliminated at the flip of a switch or a turn of a page...there is no possible way to turn off a billboard. Because they are designed to distract motorists attention **BILLBOARDS ALSO CAUSE ACCIDENTS** "Highways with billboards have more accidents", according to a survey by the Nat'l Safety Council.

"Billboards are unnecessary". Most billboards advertise liquor, cigarettes, and other products which have nothing to do with roadside business". A national poll of Holiday Inns found that 97% of their guests reserved their rooms in advance, and their company reflects this with their new advertising...no pulsing light, just sophisticated advert.

There are a number of alternatives to billboards to bring tourist to the businesses. The County Highway Beautification Committee researched these and in Febr. 1986 made recommendations to the Board of County Commissioners for their study: Besides the use of Logo systems at Mile Markers, the Tourist Development Council could set up a welcome station near MM 106 with all of the brochures and other business announcements of special events; and of course there is always the radio stations, the newspapers and the yellow pages, and many other P.R. ways to draw the tourist into each of the businesses.

Some states have gone further with their logo signs than the usual food, lodging and fuel (that D.O.T. sets up). However I have been informed by the Fl. state Highway Adm. Mr. P.E. Carpenter that he saw no reason why the Interstate and Parkway Logo signs could not be extended on down the Overseas Highway, if we can get an ordinance controlling signs. This is of course just an option, to consider. Oregon became one of the first states to use Logo signs 13 years ago, and that has become a model of all other states. If tourists arrive at MM Welcome station without reservation, and need information then our T.D.C. dollars, should go toward this. Hundred of municipalities, and 37 states have banned billboards and set controls on business signs. I have further information if need.

A statement by Chief Justice Warren Burger of the U.S. Supreme Court

"A city or county has the power to regulate visual clutter in much the same manner it can regulate any other feature of it's environment; pollution is not limited to the air that we breathe and the water that we drink; it can equally offend the eye and ear." With aesthetic interest in community appearance,

The following states have done something about visual clutter and found that it not only improved the beauty of their state or area, but that it brought in more tourists:

★ Alaska All billboards banned and sign control laws covering on-site signs.

All of the major areas in the state of Arizona for tourism have ordinances controlling signs and eliminating billboards.

Alabama, 1984, Billboard bans in all tourist areas and moratoriums. Non-conforming signs shall be removed by sign owner under agreement with A.D.O.T.

Arkansas has set up scenic areas and historic areas banning all signs.

★ California coastal area sign banning and controls as well as the Sierra ski areas.

Colorado has banned billboards on all freeway and interstates, and in all scenic areas.

★ Florida has many cities and counties that have initiated billboard ordinances and sign controls...most of which have been tested in court and are now law.

Georgia has very good Outdoor adv. laws. The state GOVT is authorized to acquire any lawfully directed non-conforming, and has the power to exercise eminent domain.

★ Hawaii eliminated billboards in early 1900s

Idaho laws contain controls on any signs on billboards in their scenic areas ^{so} designated.

Kansas has an eminent domain law, allowing 90 days for the owner to remove sign.

★ Illinois also has excellent sign control, no billboards in any scenic area, or historic significance, parkland, water fowl or wildlife protected areas.

★ Mass. Large city governments and commerce are working together to eliminate the clutter of all billboards and control signs.

★ Michigan Total ban on off premise signs and control of on-site business signs.

★ Minnesota sign controls on all of their designated scenic areas (1000 lakes)

Montana has moratoriums on off premise signs and is working on all scenic areas

Nebr. like Kansas has laws taking control of any billboard by rights of eminent domain and does not pay for removal.

Nevada 1983, no compensation to owner on removal of unsafe or non-conforming signs. 1986 Moratorium and condemnation of billboards in gambling city of Reno.

★ Maine...complete elimination of all billboards good sign control

★ Missouri 1984 sign control laws controlling all signs and designating scenic areas.

★ Maryland April 86, working on total elimination

★ New Hampshire 1983, Devoid of distracting devices (billboards, signs, junk) 5 yr. amortizati.

★ New Jersey 1979 Sign control, power of removal on 30 days notice, the commissioner of transportation may without further notice deputize any person or persons to enter upon private property without liability, to effect said removal.

★ New Mexico Sign control laws for scenic beauty areas

★ New York Highway beautification act did not preclude municipalities from directing removal of non-conforming billboards without compensation Catskill Park vs Modjeska signs

- ★ New York continued... New York state vs Rochester Poster Co. also Vs Suffolk Outdoor Adv. N.Y. does not require that compensation be provided for removal of billboards located within 660' of Fed. Aid Highway.
- North Carolina 1983 Sign Control and highway beautification act. {remove all signs, by purchase, gift, or condemnation, & all property rights thereto.
- Ohio Sign and billboard controls
- ★ Oklahoma Signs that become non-conforming are removed (5 years from date). All controlled areas 660' signs were required to be removed before July 1, 1980
- ★ Oregon Billboard control in all scenic areas, many cities have complete ban
- ★ Pennsylvania 1986 has legislation to protect all scenic areas and historic areas from the blight of billboards (do not have outcome).
- Rhode Island Billboard and sign control laws.
- ★ South Carolina Sign Control laws allow municipalities to ban billboards and control signs on Nov 1984 an ordinance was upheld in Beaufort County abolishing all signs, also Myrtle Beach and many cities have sign control ordinances.
- ★ Tennessee 1972 law removing illegal and non-conforming signs at the cost of the sign owner 1978 billboards were removed from all of the maximum routes of travel through the state.
- ★ Texas laws allow municipalities to have ordinances banning all billboard adv. Most of the large cities in Texas have taken advantage of this and are conducting removal. Houston is the latest city, the chamber of commerce is taking the action to remove the billboards
- ★ Utah has billboard controls and has not allowed any new signs in their scenic state.
- ★ Vermont has a total ban on signs and billboards
- ★ Virginia is working on billboard legislation. The state economic council stated "Competitive Factors Analysis and an Action Agenda for Economic Development, identifies improper land development and environmental blight as significant constraints in the states economic development.Key components of urban blight said the report are commercial strip developments, open storage areas, "neon sign", billboard and the like which have cluttered our environment and caused tourists to avoid this area.
- ★ Washington this state enacted Scenic Vistas law in 1980, gave sign owner 15 days to remove signs after revocation of permit. In no event shall compensation be paid for the taking or removal of signs adjacent to protected or scenic systems. Since that time they have removed most billboards from the state of Washington.
- ★ Wisconsin Sign control laws protecting all of their scenic views, and in other urban areas for aesthetic purpose.

Moreover in virtually all other states where municipalities have set up ordinances, courts have upheld them on the basis of aesthetics alone, with the additions of traffic safety, protection of property and tourism.

Handling (banning and removal) problems can be avoided or corrected in drafting sign control ordinances by simply tailoring the provision to narrow or enlarge its scope.

We must have no exceptions to Commercial vs non-commercial regulations because of problems in litigation. Maine, Olka, Calif, had these problems, but the state of Maine reworked their bill on total ban and has good on-site controls and is billboard free.

Elimination and Amortization on recent court decisions (illegal and non-conforming signs may be eliminated as a public nuisance) AS LONG AS THE GRACE PERIOD IS REASONABLE. On Amortization here are some examples: Fayetteville, 4 years; New Castle, Del. 1984 3 yrs; Skokie 1983, 7 years; Syracuse 1982, 4yrs. 9mo.; Vt. state 1982, five years. and the 1986 U.S. Senate bill (Gorton) 5 years limit.

However Indiana Supreme court, also Tenn. and Ohio, ruled that communities may not amortize non-conforming or illegal signs... they must be removed at owners expense. California, Florida, Minn. Mass, N. Jers, and N.Y. have strong court decisions of recognizing aesthetics as a legitimate basis for controls, and if the law is properly handled or based on one that has already been tested in that state (as the Stormont ordinance, as written, has already been tested) then there should be no problem in implementing it.

Florida state Law Review information tells us that courts have upheld 1-10 years on amortization, and in Monterrey, Cal. court found that 31 signs had already been fully depreciated for income tax purposes, so the court upheld a one year amortization there.

Factors used for determining settlements are: { Original cost of billboards
Present depreciated value
Remaining useful life
Owners investment to that date

To reach a fair decision on this, the sign companies must furnish their income tax records, covering the period that they have had billboards in Monroe county. The Fl. Law 1410.19 says Net Value, total reproduction cost, less estimated depreciation.

Evidence of wear, tear, decay, structural defects are all taken into consideration.

Under the excellent chairmanship of John Stormont, (who has been fair in everyway on both sides of the issue), the five member committee who were appointed by each commissioner to gather information for presentation and "to offer solutions for billboard removal and sign control for Monroe County."....are composed of two members with "Conflict of Interest" in reaching a settlement. I suppose, in your opinion, that this is a fair way to handle the subject. However you must take into consideration the fact that only three members of the panel have been functioning in gathering and putting together this information for you to study.

For over 8 years your Monroe County Highway & Beautification Committee has been working on your behalf by the MONROE COUNTY COMMISSION RESOLUTION NO. 208 established in 1977, which says, "We are to study, develop and oversee plans for the beautification of U.S. Highway 1, and toward this end from time-to-time submit its plans and recommendation to the Board of County Commissioners for implementation and approval. It is the Boards intent that the plans and recommendations shall, when performed, become part of the County Master Plan in the County Transportation element."

I want to thank you for my appointment and I hope that I may continue to serve you.

Most sincerely,

Robert B. (Mrs. M. J.) Wilson