

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, Appendix N of Title 12-A of the District of Columbia Municipal Regulations to ratify and adopt certain sign regulations previously issued by the Chairperson of the Construction Codes Coordinating Board, the Director of the Department of Consumer and Regulatory Affairs, and the City Administrator, to amend 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 and the Construction Codes Approval and Amendments Act of 1986 to clarify the rulemaking process for sign regulations, and clarify the prohibition on off-premises advertising in Appendix N of Title 12-A of the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sign Regulations Second Congressional Review Emergency Amendment Act of 2023”.

Sec. 2. Adoption of previously promulgated sign regulations.

(a) The Council hereby amends Appendix N of Title 12-A of the District of Columbia Municipal Regulations by ratifying and adopting each of the following emergency and final rules, which are incorporated by reference here:

(1) The portion of the final rule adopted by the Chairperson of the Construction Codes Coordinating Board on March 20, 2014, that promulgated Appendix N of Title 12-A of the District of Columbia Municipal Regulations, which was published in the District of Columbia Register on March 28, 2014, at 61 DCR 2782, as corrected by errata notices published in the District of Columbia Register on May 23, 2014, at 61 DCR 5246, and on June 6, 2014, at 61 DCR 5761;

(2) The portion of the emergency rule adopted by the Chairperson of the Construction Codes Coordinating Board on May 7, 2014, that amended Appendix N of Title 12-A of the District of Columbia Municipal Regulations, which was published in the District of Columbia Register on May 9, 2014, at 61 DCR 4760;

(3) The portion of the emergency rule adopted by the Chairperson of the Construction Codes Coordinating Board on August 29, 2014, that amended Appendix N of Title

12-A of the District of Columbia Municipal Regulations, which was published in the District of Columbia Register on August 29, 2014, at 61 DCR 8983;

(4) The portion of the final rule adopted by the Chairperson of the Construction Codes Coordinating Board on December 15, 2015, that amended Appendix N of Title 12-A of the District of Columbia Municipal Regulations, which was published in the District of Columbia Register on January 2, 2015, at 62 DCR 103;

(5) The final rule adopted by the Director of the Department of Consumer and Regulatory Affairs on March 14, 2016, which was published in the District of Columbia Register on April 22, 2016, at 63 DCR 6082;

(6) The emergency rule adopted by the City Administrator on July 12, 2016, which was published in the District of Columbia Register on August 26, 2016, at 63 DCR 11000;

(7) The emergency rule adopted by the City Administrator on November 4, 2016, which was published in the District of Columbia Register on November 4, 2016, at 63 DCR 13718;

(8) The emergency rule adopted by the City Administrator on March 3, 2017, which was published in the District of Columbia Register on March 3, 2017, at 64 DCR 2407;

(9) The final rule adopted by the City Administrator on June 30, 2017, which was published in the District of Columbia Register on June 30, 2017, at 64 DCR 6105; and

(10) The portion of the final rule adopted by the Chairperson of the Construction Codes Coordinating Board on May 21, 2020, that promulgated Appendix N of Subtitle 12-A of the District of Columbia Municipal Regulations, which was published in the District of Columbia Register on May 29, 2020, at 67 DCR 5679.

(b) Each rule ratified, adopted, and incorporated by reference in subsection (a) of this section shall apply retroactively to the date that the applicable notice of emergency or final rulemaking issued by the City Administrator, the Director of the Department of Consumer and Regulatory Affairs, or the Chairperson of the Construction Codes Coordinating Board indicated that the rule would take effect, and each such rule shall continue to apply after that date, except to the extent that:

(1) The ratification and adoption of another rule listed in subsection (a) of this section and made applicable after that date alters or supersedes the text of such rule;

(2) A rule duly issued after the effective date of this act alters or supersedes the text of such rule;

(3) Such rule (if an emergency rule) expires pursuant to the terms set forth in the applicable notice of emergency rulemaking; or

(4) Such rule is altered or superseded by the amendment set forth in section 4.

(c) No criminal penalties may be imposed for an act or omission that predated November 2, 2022, if that act or omission constitutes a violation of law as a result of the retroactive applicability of a rule ratified and adopted in subsection (a) of this section.

Sec. 3. Clarification of sign rulemaking procedures.

ENROLLED ORIGINAL

(a) 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, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.21), is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “The Mayor shall issue, amend, repeal and enforce rules governing the hanging, placing, painting, projection, display, and maintenance of signs on public space, public buildings, or other property owned or controlled by the District and on private property within public view within the District” and insert the phrase “The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue a comprehensive rulemaking to update the rules governing the hanging, placing, painting, projection, display, and maintenance of signs on public space, public buildings, or other property owned or controlled by the District and on private property within public view within the District, and the Mayor may thereafter amend, repeal, and enforce such rules.” in its place.

(B) Strike the phrase “The proposed rules” and insert the phrase “Proposed rules” in its place;

(C) Strike the phrase “The rules shall not” and insert the phrase “The proposed rules shall not” in its place.

(2) A new subsection (c) is added to read as follows:

“(c) Until the issuance of a comprehensive final rulemaking pursuant to subsection (a) of this section, the Mayor may issue rules to update, amend, repeal, and enforce regulations regarding signs on public space, public buildings, or other property owned or controlled by the District and on private property within public view within the District pursuant to section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409).”

(b) The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

(1) Section 4(b) (D.C. Official Code § 6-1403(b)) is amended by striking the phrase “interior signs or” and inserting the phrase “signs, advertising devices, and” in its place.

(2) Section 10(a) (D.C. Official Code § 6-1409)(a)) is amended as follows:

(A) Strike the phrase “The Mayor may issue proposed rules to amend the Construction Codes” and insert the phrase “The Mayor may issue rules to amend the Construction Codes” in its place.

(B) Strike the phrase “The proposed rules” and insert the phrase “Proposed rules” in its place.

(C) Strike the phrase “The rules shall not” and insert the phrase “The proposed rules shall not” in its place.

Sec. 4. Clarification of the prohibition on off-premises advertising.

Section N101.6 of Appendix N of Title 12-A of the District of Columbia Municipal Regulations is amended by striking the phrase “No sign subject to the provisions of Section N101” and inserting the phrase “No sign subject to the provisions of Section N101, regardless of whether a permit is or was required for the erection of the sign, and regardless of whether the sign was subject to the provisions of Section N101 at the time of its erection,” in its place.

Sec. 5. Applicability.

This act shall apply as of November 2, 2022.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia