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OFFICE OF THE
SECRETARY

VINCENT C. GRAY
MAYOR
NOV 20 2014

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a proposed resolution, the "Public Building Sign Prohibition Rules Approval Resolution of 2014."


This resolution would approve a rulemaking that would prohibit the display of signs on public buildings and other public property, except as specifically permitted by law or the written consent of the Mayor or the independent agency or instrumentality with jurisdiction over the public property. The rulemaking responds to a recent incident in which a private party projected a commercial advertisement on the Reeves Center, and the District found itself without a remedy for this inappropriate behavior. A similar provision will be included in the more comprehensive revisions to the sign regulations that the Sign Regulation Working Group is currently finalizing.

As always, I am available to discuss any questions you may have regarding the resolution or the rulemaking. To facilitate a response to any questions, please have your staff contact Laurie Ensworth, Senior Assistant Attorney General, Legal Counsel Division, Office of the Attorney General, at (202) 724-5537.

I urge the Council to take prompt and favorable action regarding the enclosed legislation.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray


Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on _____.

To approve the proposed rules to prohibit the display of signs on public buildings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Building Sign Prohibition Rules Approval Resolution of 2014”.

Sec. 2. Pursuant to section 2(a) of the Sign Regulation Authorization Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-2891; 60 DCR 2328), on _____ the Mayor transmitted to the Council proposed rules to prohibit the display of signs on public buildings and other public property, except as specifically permitted by law or the written consent of the Mayor or independent agency or instrumentality with jurisdiction over the property. The proposed rules were published in the *D.C. Register* on October 31, 2014 at 61 DCR 11481. The Council of the District of Columbia approves the proposed rules as submitted.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

1 Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon
2 its adoption, to the Office of the Attorney General.

3 Sec. 5. This resolution shall take effect immediately.

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OFFICE OF THE MAYOR

NOTICE OF PROPOSED RULEMAKING

The Mayor of the District of Columbia, pursuant to the Sign Regulation Authorization Amendment Act of 2012 (Act), effective April 27, 2013 (D.C. Law 19-289; 60 DCR 2328); 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 April 27, 2013 (D.C. Law 19-289; D.C. Official Code § 1-303.21); Mayor's Order 2011-181, dated October 31, 2011; and sections 8 and 10 of the Litter Control Administration Act of 1985 (Litter Control Act), effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code §§ 8-807 and 8-810 (2012 Repl.)), hereby gives notice of his intent to adopt amendments to section 108 (Signs, Posters, and Placards) of Chapter 1 (Occupation and Use of Public Space) and section 1380 (Schedule of Fines for Violations of the Litter Control Administration Act) of Chapter 13 (Civil Fines Under D.C. Law 6-100) of Title 24 (Public Space and Safety) DCMR. The amendments clarify that signs, aside from those otherwise authorized by law, shall not be displayed or projected on public space, buildings, or property owned or controlled by the Mayor and that violations of this prohibition shall be enforceable under the Litter Control Act by the Director of the District Department of Transportation. The amendments also establish a civil infraction for the display or projection of these signs and civil penalties for violations.

This rulemaking is based on an ongoing need to control the projection of commercial images on public buildings in the District. In the past, a private party projected a large advertising image on the façade of the Reeves Center. The projection of this unauthorized advertisement detracted from the Reeves Center's image as a major location for District government activity. It could also have conveyed the impression to members of the public that the District endorsed the product advertised or has made it a practice to sell space on public buildings for commercial messages, thereby undermining public confidence in the District government. The District's current sign rules do not clearly prohibit the projection of such images and do not contain an enforcement mechanism adequate to deter this type of activity. Action is therefore necessary to prevent a repetition of this unauthorized use of public property.

This Notice of Proposed Rulemaking was previously published in the *D.C. Register* on June 13, 2014 at 61 DCR 5999. The proposed rulemaking has been changed in response to comments received following its publication. This republication reflects those changes. Because the changes to the original rulemaking are minor, there is good cause to shorten the period for public comment on the revised rules to ten (10) days.

The Mayor also gives notice of his intent to take final rulemaking action to adopt these amendments in not less than ten (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 rulemaking 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. Section 108 (Signs, Posters, and Placards) of Title 24 DCMR (Public Space and Safety) is amended by adding a new subsection 108.14 to read as follows:

108.14 Except as otherwise authorized by this section, by other applicable District law, or by the express written consent of the Mayor or the independent agency or instrumentality with jurisdiction over the public building or other public property, it shall be unlawful for a private party to display or project on public space, a public building, or any other property owned or controlled by the District any structure, standard, or image used as a sign, bulletin, or advertisement, or to convey a message. Violation of this subsection shall be enforceable under the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code §§ 8-801 *et seq.*), by the Director of the District Department of Transportation.

II. Subsection 1380.3 of Chapter 13 (Civil Fines Under D.C. Law 6-100) of Title 24 (Public Space and Safety) is amended by adding a new infraction after the existing infraction for “Signs or posters on public space” to read as follows:

Signs on public	Yes	1 st violation within 60-day period	\$ 150
on public		2 nd violation within 60-day period	\$ 300
space, buildings,		3 rd violation within 60-day period	\$ 600
or property		4 th violation within 60-day period	\$ 2000
(24 DCMR 108.14)			

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing no later than ten (10) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Laurie A. Ensworth, Senior Assistant Attorney General, Office of the Attorney General for the District of Columbia, 1350 Pennsylvania Avenue, N.W., Suite 409, Washington, D.C. 20014, or laurie.ensworth@dc.gov. Copies of these proposed rules may be obtained at the same address.

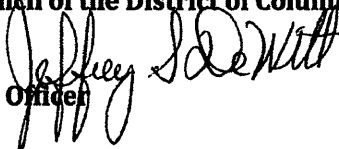
Government of the District of Columbia
Office of the Chief Financial Officer



Jeff DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeff DeWitt
Chief Financial Officer 

DATE: November 14, 2014

SUBJECT: Fiscal Impact Statement - "Public Building Sign Prohibition Rules Approval Resolution of 2014"

REFERENCE: Draft Resolution shared with the Office of Revenue Analysis on November 13, 2014

Conclusion

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the resolution.

Background

The resolution approves proposed rules to prohibit the display of signs on public buildings and other public property, except as specifically permitted by law or the written consent of the Mayor or independent agency or instrumentality with jurisdiction over the property.

The proposed rules were published in the D.C. Register on October 31, 2014 at 61 DCR 11481.

Financial Plan Impact

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the resolution. The resolution does not have an impact on the District's budget and financial plan.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: November 18, 2014

SUBJECT: Legal Sufficiency Review of Draft Resolution, the "Public Building Sign Prohibition Rules Approval Resolution of 2014"
(AR-12-673D)

This is to Certify that this Office has reviewed the above-referenced resolution and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 724-5524.


Janet M. Robins