

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 321

An Act to amend and reenact § 33.1-355 of the Code of Virginia, relating to advertising on transit passenger shelters.

[H 2152]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-355 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-355. Excepted signs, advertisements and advertising structures.

The following signs and advertisements, if securely attached to real property or advertising structures, and the advertising structures, or parts thereof, upon which they are posted or displayed are excepted from all the provisions of this article save those enumerated in §§ 33.1-353, 33.1-356, 33.1-360, subdivisions (2) through (13) of § 33.1-369 and §§ 33.1-370 and 33.1-375:

(1) Advertisements securely attached to a place of business or residence, and not to exceed ~~ten~~ 10 advertising structures with combined total area, exclusive of the area occupied by the name of the business, owner or lessee, of advertisements and advertising structures not to exceed 500 square feet, erected or maintained, or caused to be erected or maintained, by the owner or lessee of such place of business or residence, within 250 feet of such place of business or residence or located on the real property of such place of business or residence and relating solely to merchandise, services or entertainment sold, produced, manufactured or furnished at such place of business or residence;

(2) Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm;

(3) Signs upon real property posted or displayed by the owner, or by the authority of the owner, stating that the property, upon which the sign is located, or a part of such property, is for sale or rent or stating any data pertaining to such property and its appurtenances, and the name and address of the owner and the agent of such owner;

(4) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments;

(5) Danger or precautionary signs relating to the premises or signs warning of the condition of or dangers of travel on a highway, erected or authorized by the Commonwealth Transportation Commissioner; or forest fire warning signs erected under authority of the State Forester and signs, notices or symbols erected by the United States government under the direction of the United States Forestry Service;

(6) Notices of any telephone company, telegraph company, railroad, bridges, ferries or other transportation company necessary in the discretion of the Commonwealth Transportation Commissioner for the safety of the public or for the direction of the public to such utility or to any place to be reached by it;

(7) Signs, notices or symbols for the information of aviators as to location, direction and landings and conditions affecting safety in aviation erected or authorized by the Commonwealth Transportation Commissioner;

(8) Signs containing ~~sixteen~~ 16 square feet or less and bearing an announcement of any county, town, village or city, or historic place or shrine, situated in this Commonwealth, advertising itself or local industries, meetings, buildings or attractions, provided the same is maintained wholly at public expense, or at the expense of such historic place or shrine;

(9) Signs or notices containing two square feet or less, placed at a junction of two or more roads in the State Highway System denoting only the distance or direction of a church, residence or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commonwealth Transportation Commissioner;

(10) Signs or notices erected or maintained upon property giving the name of the owner, lessee or occupant of the premises;

(11) Advertisements and advertising structures within the corporate limits of cities and towns, except as specified in § 33.1-353;

(12) Historical markers erected by duly constituted and authorized public authorities;

(13) Highway markers and signs erected, or caused to be erected, by the Commissioner or the Commonwealth Transportation Board or other authorities in accordance with law;

(14) Signs erected upon property warning the public against hunting, fishing or trespassing thereon;

(15) Signs erected by Red Cross authorities relating to Red Cross Emergency Stations. And authority

is hereby expressly given for the erection and maintenance of such signs upon the right-of-way of all highways in this Commonwealth at such locations as may be approved by the Commonwealth Transportation Commissioner;

(16) Signs advertising agricultural products and horticultural products, or either, when such products are produced by the person who erects and maintains the signs; provided, however, that the location and number of such signs shall be in the sole discretion of the Commonwealth Transportation Commissioner;

(17) Signs advertising only the name, time and place of bona fide agricultural, county, district or state fairs, together with announcements of special events in connection therewith which do not consume more than ~~thirty~~ 50 percent of the display area of such signs, provided the person who posts the signs or causes them to be posted will post a cash bond as may be prescribed by the Commonwealth Transportation Commissioner, adequate to reimburse the Commonwealth for the actual cost of removing such signs as are not removed within ~~thirty~~ 30 days after the last day of the fair so advertised;

(18) Signs of eight square feet or less, or one sign structure containing more than one sign of eight square feet or less, which denote only the name of a civic service club or church, location and directions for reaching same, and time of meeting of such organization, provided such signs or notices do not exceed a reasonable number as determined by the Commonwealth Transportation Commissioner;

(19) *Notwithstanding the provisions of § 33.1-373, signs containing advertisements or notices that have been authorized by a county and that are securely affixed to a public transit passenger shelter that is owned by that county, provided, however, that no advertisement shall be placed within the right-of-way of the federal interstate system, National Highway System, or the federal-aid primary system of highways in violation of federal law. The prohibition in subdivision 8 of § 33.1-369 against placing signs within 15 feet of the nearest edge of the pavement of any highway shall not apply to such signs. The Commonwealth Transportation Commissioner may require the removal of any particular sign located on such a shelter as provided in this subdivision if, in his judgement, such sign constitutes a safety hazard.*