

LD6573729

## SENATE BILL NO. 572

Offered January 25, 1994

A *BILL to amend and reenact § 33.1-373 of the Code of Virginia, relating to regulation of certain signs.*

Patrons—Saslaw, Barry, Calhoun, Hawkins, Holland, C.A., Houck, Howell, Lambert, Marye, Maxwell, Miller, K.G., Schewel, Stolle and Trumbo

Referred to the Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.1-373 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-373. Advertising on rocks, poles, etc., within limits of highway.

A. Any person who in any manner (i) paints, prints, places, puts or affixes any advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker, building or other object lawfully within the limits of any highway or (ii) erects, paints, prints, places, puts, or affixes any advertisement within the limits of any highway shall be guilty of a Class 1 misdemeanor. Advertisements placed within the limits of the highway are hereby declared a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commonwealth Transportation Commissioner or his representatives without notice. The Commonwealth Transportation Commissioner may collect the cost of such removal, obliteration, or abatement from the person erecting, painting, printing, placing, putting, affixing or using such advertisement. When no one is observed erecting, painting, printing, placing, putting, or affixing such sign or advertisement, the person, firm or corporation being advertised shall be presumed to have placed the sign or advertisement and shall be punished accordingly. Such presumption, however, shall be rebuttable by competent evidence. In addition, the Commissioner or his representative may seek to enjoin any recurring violator of this section.

B. The provisions of subsection A of this section shall not apply to posting of nonpermanent signs advertising activities of a temporary or seasonal nature, including sales of a charitable, athletic, educational, or agricultural nature; campaigns of candidates for public or political party office; bond issues or other referendum questions; and residential development directional signs. Any such signs shall be subject only to local ordinances. Ordinances regulating or prohibiting any such signs may be adopted by the governing body of any county, city, or town. If the governing body of any county, city, or town has adopted an ordinance establishing a schedule of civil penalties as provided in § 15.1-499.1, the penalties provided in that ordinance shall apply to violations of any ordinance regulating signs under this section. If the governing body has not adopted an ordinance establishing a schedule of fines, the penalty imposed for violating any ordinance regulating signs under this section shall be a civil penalty of \$100 for a first offense and \$150 for each subsequent offense. Any ordinance adopted under this subsection shall provide for the disposition of any civil penalties collected for violations of such ordinance. A civil action for any violation of an ordinance adopted under this subsection may be brought by the locality in the district court having jurisdiction over the place where the sign is located. The provisions of this subsection shall not apply to signs or other outdoor advertising regulated under Chapter 7 (§ 33.1-351 et seq.) of this title.

INTRODUCED

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