



1. § 2. That the Code of the City of Richmond, 1985, be  
2. amended by adding therein a new Article in Chapter 3,  
3. entitled: "ARTICLE III-A. POSTING OF SIGNS OR ADVERTISING  
4. ON PUBLIC PROPERTY", consisting of six sections, numbered  
5. Sections 3-40 through 3-45, as follows:

6. ARTICLE III-A. POSTING OF SIGNS OR ADVERTISING  
7. ON PUBLIC PROPERTY.

8. Sec. 3-40. Definitions.

9. The following words and phrases, when used in this  
10. article, shall have the meanings ascribed to them  
11. respectively as follows, unless the context clearly  
12. indicates a different meaning:

13. Fixture. A pole, street light, shrub, tree, tree box,  
14. tree stake, fireplug, fire alarm box, trash receptacle,  
15. stand, wire, rope, public bridge, railroad trestle, drinking  
16. fountain, life buoy or any other life saving equipment,  
17. standard serving as a base or support for a directional  
18. sign, traffic regulation or control signal, sign or device  
19. and any other fixture or structure, whether publicly or  
20. privately owned or whether permanently or temporarily placed  
21. in, on or over a public way, but shall not include a fixture  
22. permanently attached to a building, structure, pole or  
23. standard on private property serving as a base or support  
24. for a sign and projecting over a part of a public way

1. installed and maintained in accordance with law; provided,  
2. that it is used only for advertising the enterprise of the  
3. occupant of the premises.

4. Public way. A street, sidewalk, alley, road, highway,  
5. bridge, viaduct, subway, underpass, park, parkway, play-  
6. field, playground and any other similar place in the city  
7. opened to and used by the public.

8. Sign. A sign, placard, banner, flag, bulletin,  
9. hand-bill and any other device of any kind or description  
10. used for advertising, promotional or solicitation purposes,  
11. or for other commercial, noncommercial, or political display  
12. or visual communication purposes.

13. Sec. 3-41. Posting of signs or advertising prohibited.

14. It shall be unlawful for any person to paint, mark or  
15. write on, or post or otherwise affix to or upon a public way  
16. or fixture thereon any sign or other form of commercial,  
17. noncommercial, or political advertising, promotion, solici-  
18. tation, communication, or display. It shall furthermore be  
19. unlawful for any person, firm, or corporation to cause or,  
20. with knowledge, permit such actions to be taken on his or  
21. its behalf.

22. Sec. 3-42. Exceptions to application.

23. (a) This article shall not apply to the following  
24. signs:

1.           (1) Regulatory, traffic, or informational  
2. signs established or posted by or at the direction  
3. of an authorized city department.
4.           (2) Signs required to be posted pursuant to  
5. state, local, or federal laws.
6.           (3) Signs permitted by the state department  
7. of highways and transportation along state-maintained  
8. streets; provided that proof of permission must be  
9. shown upon request.
10.          (4) Citizens watch signs, as authorized by this  
11. article.
12.          (5) Signs not exceeding four (4) square feet in  
13. area giving information concerning the location or use  
14. of accessory off-street parking facilities or loading  
15. and unloading facilities.
16.          (6) Signs permitted by the council upon proper  
17. application for an encroachment or other form of  
18. variance from the provisions of this article.
19.          (b) Nothing in this article shall apply to the  
20. painting of house numbers upon curbs in accordance with an  
21. appropriate permit to be issued by the department of public  
22. works.
23.          (c) Nothing in this article shall apply to the  
24. installation of a plaque, plate, statue, or other

1. commemorative monument or marker, in accordance with a  
2. permit issued by the department of public works, with the  
3. approval of Council.

4. Sec. 3-43. Removal of signs or advertising; collection  
5. of costs of removal.

6. Any violation of this article is hereby declared to be  
7. a nuisance. In addition to any criminal penalties which may  
8. be imposed based upon a violation, such violation shall be  
9. abated by the immediate removal of the offending sign or  
10. other form of commercial, noncommercial or political adver-  
11. tising, promotion, solicitation, communication, or display,  
12. by any person, firm, or corporation responsible for or  
13. benefited by such violation. In the event the violation is  
14. not abated upon request, the city manager or his authorized  
15. designee shall make appropriate arrangements for abatement  
16. of the violation without liability for damages therefor.  
17. The costs incurred in removal may be assessed against the  
18. person, firm, or corporation responsible for or benefited by  
19. the violation, and such costs shall be collected in the same  
20. manner as city taxes.

21. Sec. 3-44. Penalty for violation.

22. Any person convicted of a violation of section 3-41  
23. shall be punished by a fine of not less than ten dollars  
24. (\$10.00) and not more than fifty dollars (\$50.00) for each

1. offense, and each individual sign or other form of commer-  
2. cial, noncommercial, or political advertising, promotion,  
3. solicitation, communication, or display, shall be deemed a  
4. separate offense. Each day during which any such violation  
5. is continued may be treated for all purposes as a separate  
6. offense.

7. Sec. 3-45. Citizens community watch signs authorized.

8. In any area of the city in which there has been  
9. established a citizens community watch or a similar watch  
10. wherein citizens residing in an area are organized in  
11. cooperation with the bureau of police to combat crime by  
12. maintaining surveillance of person and property within such  
13. area, the other provisions of this article notwithstanding,  
14. the director of public safety may authorize that signs be  
15. placed announcing "Protected by Community Watch," or  
16. "Protected by Citizens Neighborhood Watch" or making an  
17. announcement of similar content. The signs and sign posts  
18. shall be provided by the city and shall conform to standards  
19. set forth by the city traffic engineer who will be  
20. responsible for the installation of such signs subject to  
21. the approval of the director of public safety.

22. § 3. That Article III of Chapter 3 of the Code of  
23. the City of Richmond, 1985, as follows, be and is hereby  
24. repealed:

25. § 4. This ordinance shall be in force and become  
26. effective on July 1, 1986.

## ARTICLE III. USE OR OBSTRUCTION OF PUBLIC WAYS\*

### DIVISION 1. GENERALLY

#### Sec. 3-36. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them respectively as follows, unless the context clearly indicates a different meaning:

*Fixture* means a pole, street light, tree, tree box, fireplug, fire alarm box, trash receptacle, stand, wire, rope, standard serving as a base or support for a directional sign, traffic regulation or control signal, sign or device and any other fixture or structure, whether publicly or privately owned or whether permanently or temporarily placed in, on or over a public way, but shall not include a fixture permanently attached to a building, structure, pole or standard on private property serving as a base or support for a sign and projecting over a part of a public way installed and maintained in accordance with law; provided, that it is used only for advertising the enterprise of the occupant of the premises.

*Public way* means a street, sidewalk, alley, road, highway, bridge, viaduct, subway, underpass, park, parkway, playfield, playground and any other similar place in the city opened to and used by the public.

*Sign* means a sign, placard, banner, flag, bulletin and any other device of any kind or description used for advertising, promotional or solicitation purposes or for any other purposes.

#### Sec. 3-37. Prohibition.

It shall be unlawful for any person, unless otherwise permitted under this article, to obstruct or use a public way for advertising, promotional or solicitation purposes or for any purpose connected therewith or incident thereto by placing, attaching or maintaining a sign on or to a fixture; or by installing, painting or otherwise imprinting or attaching any advertising, promotional or solicitation matter or any other matter incident thereto on the surface of a public way; or by dropping any advertising, promotional or solicitation matter or device or any matter from aircraft flown over the city.

#### Sec. 3-38. Removal of signs placed, maintained, etc., in violation of article.

Every sign placed, attached or maintained in, on or over a public way in violation of this article, or the permit provided for in this article, is hereby declared to be a nuisance and shall be abated by the removal thereof by:

- (1) The owner of the sign;
- (2) The owner of the property to which the sign is attached;
- (3) The tenant of the property to which the sign is attached;
- (4) The person benefited by the matter on the sign; or
- (5) The applicant or his representative or successor; or by the director after he has ordered the above persons to remove such sign.

#### Sec. 3-39. Citizens community watch signs authorized.

In any area of the city in which there has been established a citizens community watch or a similar watch wherein citizens residing in an area are organized in cooperation with the bureau of police to combat crime by maintaining surveillance of person and property within such area, the other provisions of this article notwithstanding, the director of public safety may authorize that signs be placed announcing "Protected by Community Watch," or "Protected by Citizens Neighborhood Watch" or making an announcement of similar content. The signs and sign posts shall be provided by the city and shall conform to standards set forth by the city traffic engineer who will be responsible for the installation of such signs subject to the approval of the director of public safety.

### DIVISION 2. PERMIT FOR TEMPORARY USE FOR BENEFIT OF PUBLIC WELFARE, CHARITABLE, RELIGIOUS, ETC., ENTERPRISES

#### Sec. 3-51. Required.

The provisions of section 3-37 shall not apply to the temporary use of a public way for advertising,

promoting or soliciting for the direct and exclusive benefit of public welfare, civic, charitable or religious enterprises by placing, attaching or maintaining a sign on or to a fixture or by installing, painting or otherwise imprinting or attaching advertising, promotional or solicitation matter, or any other matter on the surface of a public way, when a permit for so using the public way for such purpose has been issued by the director of public safety, as provided in section 3-53.

#### **Sec. 3-52. Application.**

Every person desiring to use a public way as provided in this division shall apply to the director of public safety for a permit, in writing, in such form as he shall prescribe. The applicant shall state in the application the exact location, material, character, design, size and method of installing, erecting or maintaining the sign, the extent of its projection in or on the public way, its elevation above such public way and the length of time the public way will be so used.

#### **Sec. 3-53. Prerequisites to issuance; fee.**

The director of public safety shall issue the permit required by this division when he is satisfied that the location, nature, character, design, size and method of installing, erecting or maintaining such sign, the extent of its projection in or on the public way, its elevation above such public way and the length of time the public way shall be used will not unreasonably interfere with or impair the use of the public way by pedestrian and vehicular travel and traffic, or not unreasonably increase the hazards to such travel and traffic, or not unreasonably interfere with or impair the use of the public way for the public to which it is devoted, and will not unreasonably increase the danger due to fire. A fee of four dollars (\$4.00) shall be paid to the city for every such permit issued to defray the cost incident to the issuance thereof.

(Code 1975, § 3-8)

#### **Sec. 3-54. Contents; terms and conditions.**

Every permit issued under this division shall contain the following terms and conditions:

- (1) That the applicant will at all times keep the sign in proper repair and maintained in such a manner as will not unreasonably interfere with or impair the use of the public way by pedestrian and vehicular travel and traffic,

will not unreasonably increase the hazards to such travel and traffic, will not unreasonably increase the hazards to such travel and traffic, will not unreasonably interfere with or impair the use of the public way for the purpose for which it is devoted and will not unreasonably increase the danger due to fire;

- (2) That the applicant will indemnify, keep and hold the city free and harmless from liability on account of injury or damage to any person or property directly or indirectly resulting from the use of the public way by the applicant, and in the event that suit shall be brought against the city, either independently or jointly with the applicant on account thereof, the applicant will defend the city in any such suit at the cost of the applicant, and in the event of a final judgment being obtained against the city, either independently or jointly with the applicant, then the applicant will pay such judgment with all costs and hold the city harmless therefrom;
- (3) That the applicant shall furnish the city a liability insurance contract to indemnify, reimburse and save the city harmless from all charges, damages or costs that it may be required to pay or otherwise sustain by reason of the erection, maintenance, repair, operation, existence and removal of the sign. The amount of the contract shall not be less than twenty-five thousand dollars (\$25,000.00) to cover the injury to or death of one person and fifty thousand dollars (\$50,000.00) to cover the injury to or death of more than one person in any one accident, together with property damage coverage of not less than five thousand dollars (\$5,000.00). The contract shall be payable to the city and shall be in form satisfactory to the city attorney. The applicant shall pay all premiums chargeable for the contract and shall keep the same in full force and effect at all times during the erection, existence and removal of the sign. The contract shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the director of public safety;
- (4) That upon the expiration of the permit, the sign shall be removed from the public way and the public way shall be repaired, restored or replaced, as well as the fixture to which it

is installed, erected or maintained, damaged or destroyed as a direct or indirect result thereof; and, upon the failure, refusal or neglect so to do, the director of public safety may remove the sign at the cost and expense of any person required to abate the nuisance, as provided in section 3-38 and the public way or fixture shall be repaired, restored or replaced by the city at the cost and expense of the applicant;

- (5) That the applicant shall furnish the city a bond with corporate surety approved by the city attorney, in the sum of one thousand dollars (\$1,000.00), conditioned upon the removal of the sign from the public way and the repair, restoration or replacement of the public way or the fixture to which the sign is attached in any manner damaged, disturbed or destroyed thereby, with materials and in a manner satisfactory to the director of public safety. The applicant shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times during the erection, existence and removal of the sign and the repair, restoration or replacement of the public way or fixture damaged, disturbed or destroyed thereby. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the director of public safety.
- (6) That all electrical work, appliances, wires, lights and equipment used in connection with or as a part of a sign shall be installed, operated and maintained in accordance with all laws and ordinances relating and applicable thereto and by a public service corporation holding a franchise from the city to use the streets for the sale and distribution of electric power, or by an electrical contractor duly licensed to engage in such business in the city, and all electric power used for the operation of such sign shall be furnished by such public service corporation.

**Sec. 3-55. Written consent of owner or director required to attach or maintain sign on or to fixture.**

The applicant for a permit required by section 3-51 shall not attach or maintain a sign on or to a fixture without the written consent of the owner of the fixture. In the case of fixtures owned by the city, such consent may be given by the director of public safety, when he is satisfied that such use thereof is not likely to damage or interfere with or impair the usefulness of the fixture.

**DIVISION 3. PERMIT FOR USE BY UNITED STATES OF AMERICA OR ITS AGENCIES**

**Sec. 3-66. Required.**

(a) The provisions of this article shall not apply to the use of public ways for the purposes of the United States of America and the installation and maintenance of signs on or over public ways in connection therewith. The United States of America shall be permitted to install and maintain signs on or over public ways for any of their purposes, including but not limited to recruiting enlistment and service in the military, naval, air force or other armed forces of the United States of America, in any district defined in chapter 32 except single-family, two-family and multiple-family dwelling districts, upon and subject to the terms and conditions hereinafter prescribed in this section. (Code 1975, § 3-12(a); Ord. No. 79-205-202, § 1, 12-17-79)

**Sec. 3-67. Application.**

The duly authorized representative of the department, bureau, board, commission, office or agency of the United States of America desiring to use a public way for such purpose shall apply to the director for a permit, in writing, in such form as he shall prescribe. The applicant shall state in the application the exact location, material, character, design, size and method of installing and maintaining the sign and the extent of its projection on or over the public way, and the number and approximate location of other similar or like signs, if any maintained on or over the public ways by such department, bureau, board, commission, office or agency. (Code 1975, § 3-12(b); Ord. No. 79-205-202, § 1, 12-17-79)

**Sec. 3-68. Prerequisites to issuance.**

The director of public safety shall issue the permit when he is satisfied that the location, nature, character, design, size and method of installing and maintaining the sign and the extent of its projection on or over the public way will not unreasonably interfere with or impair the use of the public way by pedestrian and vehicular travel and traffic or the use by the public of the public way for the purpose to which it is devoted, will not unreasonably increase the hazards to such travel, traffic and use, and will not unreasonably increase the danger due to fire; otherwise, the director of public safety shall refuse to issue the permit or to allow the sign to be installed and maintained on or over the public way.

**Sec. 3-69. Terms and conditions.**

Every permit issued by the director of public safety under this division shall be subject to the following terms and conditions:

- (1) That the sign will at all times be kept in proper repair and maintained in such a manner as will not unreasonably interfere with or impair the use of the public way by pedestrian and vehicular travel and traffic or the use by the public of the public way for the purpose to which it is devoted;
- (2) That the sign will not unreasonably increase the hazards to such travel, traffic and use;
- (3) That the sign will not unreasonably increase the danger due to fire;
- (4) That if a flag other than one of our armed forces is displayed on any sign it shall be the flag of the United States and no other; and
- (5) That the United States of America will indemnify, keep and hold the city free and harmless from liability on account of injury or damage to persons and property growing out of or directly or indirectly resulting from the installation and maintenance of the sign on or over the public way; and if any suit or proceeding shall be brought against the city, at law or in equity, either independently or jointly with the United States on account thereof, the United States will defend the city in any such suit or proceeding at the cost of the United States; and in the event of a final judgment or decree being obtained against the city, either independently or jointly with the United States, then the United States will pay such judgment or comply with such decree with all costs and expenses of whatsoever nature and hold the city harmless therefrom; provided, that such indemnity shall not extend to injury or damage to persons resulting solely from the negligence of the city.

(Code 1975, § 3-12(d); Ord. No. 79-205-202, § 1, 12-7-79)

**DIVISION 4. PERMIT FOR OTHER OUTDOOR ADVERTISING SIGNS OR STRUCTURES**

**Sec. 3-81. Required.**

Other outdoor advertising signs or structures may be permitted, the provisions of sections 3-37 and 3-51 to the contrary, notwithstanding, provided that every person desiring to use a public way as provided herein obtains a permit as provided in this division.

(Code 1975, § 3-12(e); Ord. No. 79-205-202, § 1, 12-17-79)

**Sec. 3-82. Application; fee; referral.**

(a) Any person desiring a permit under this division shall apply to the director of public safety in writing, in such form as he shall prescribe. The applicant shall state in the application the exact location, material, character, design, size and method of installing, erecting, or maintaining the sign, the extent of its projection in or on the public way, its elevation above such public way and the length of time the public way will be so used. A fee of ten dollars (\$10.00) shall be paid to the city for every such permit issued to defray the cost incident to the issuance thereof.

(b) Every such application for the display of advertising, whether on a semipermanent structure (for example, a bus shelter), or a movable structure (for example, a trash receptacle), shall be treated as an encroachment and subject to the provisions of article VII of chapter 26, and chapter 14, and shall be referred to the planning commission, and the urban design committee, and if to be placed in a historic district, to the commission on architectural review.

(Code 1975, § 3-12(e); Ord. No. 79-205-202, § 1, 12-17-79)

**Sec. 3-83. Terms and conditions.**

Every permit issued by the director of public safety under the permissive provisions of this division shall be subject to the same terms and conditions prescribed in sections 3-68 and 3-69. The person to whom each permit authorized pursuant to section 3-82 is issued shall insure its liability in connection with the display of outdoor advertising signs or structures by providing in-

demnities of not less than one hundred thousand dollars (\$100,000.00) for bodily injuries to any one person in any one occurrence, and of not less than three hundred thousand dollars (\$300,000.00) for all bodily injuries resulting from any one occurrence, and of not less than fifty thousand dollars (\$50,000.00) property damage. Such insurance shall be kept in full force and effect by such person during the entire time advertising signs or structures are displayed on the public way. The city shall be named as an additional insured under such insurance contract. Such person shall provide the city with a certificate of such insurance which shall contain covenants upon the part of the insurance carrier that the insurance is provided to enable such person to comply with this section, that it will not lapse or otherwise expire prior to sixty (60) day's written notice thereof given by such insurance carrier to the director of public safety.