

§ 33.1-375.1. Commissioner may enter into certain agreements; penalties.

A. The Commonwealth Transportation Commissioner may enter into agreements with the local governing body of Fairfax County authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner for the purpose of (i) enforcing the provisions of § 33.1-373 and (ii) collecting the penalties and costs provided for in that section. However, no local governing body shall enter into any such agreement until it has held a public hearing thereon.

B. Notwithstanding the provisions of § 33.1-373, one-half of the penalties and costs collected under this section shall be paid to the affected locality, and the remainder shall be remitted to the Commissioner and paid into the Highway Maintenance and Operating Fund.

C. Notwithstanding the foregoing provisions of this section, the following signs and advertising shall not be subject to the agreements provided for in subsection A of this section:

1. Signs and advertising supporting an individual's candidacy for elected public office or other ballot issues, provided this exception shall not include signs and advertising in place more than three days after the election to which they apply.

2. Signs and advertising promoting and/or providing directions to a special event to be held at a specified date stated on the sign or advertising, provided this exception shall not include special event signs in place more than three days after the conclusion of the special event.

3. Other signs and advertising erected for no more than three days.

D. Notwithstanding the foregoing provisions of this section, the Commissioner may enter into agreements with the local governing bodies of localities to which the foregoing provisions of this section do not apply to authorize those governing bodies to act as agents of the Commissioner and the Department in enforcing the provisions of § 33.1-373. The limitations applicable to agreements entered into under subsections A through C of this section shall not apply to agreements entered into under this subsection.

(1998, c. 835; 1999, c. 195; 2003, c. 311.)

Legislative Information System

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

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 assessed a civil penalty of \$100. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund. 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.

The provisions of this section shall not apply to signs or other outdoor advertising regulated under Chapter 7 (§ 33.1-351 et seq.) of this title.

(Code 1950, § 33-319; 1970, c. 322; 1993, c. 538; 1994, c. 696.)

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ATTACHMENT II

**AN AGREEMENT BETWEEN THE COMMONWEALTH
TRANSPORTATION COMMISSIONER AND THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOUDOUN, VIRGINIA PROVIDING FOR THE COUNTY TO
ACT AS COMMISSIONER'S AGENT FOR THE REMOVAL OF ILLEGAL
ADVERTISEMENT WITHIN THE LIMITS OF HIGHWAY
RIGHTS-OF-WAY**

THIS AGREEMENT is made this ___ day of _____, 200_, between the Commonwealth Transportation Commissioner ("Commissioner") and the Board of Supervisors of the County of Loudoun ("Board").

WITNESSETH:

WHEREAS, pursuant to Title 33.1, Chapter 7, Article 1 of the Code of Virginia, 1950 as amended, the Virginia Department of Transportation (VDOT), among other things, enforces a prohibition on the placement of advertisements within the limits of highway rights-of-way in the Commonwealth; and

WHEREAS, the Loudoun County Board of Supervisors, as the owner in fee simple of various public rights-of-way within Loudoun County ("County"), has an interest in protecting the public health, safety and welfare and in protecting the appearance of the County in general and the public rights-of-way in particular; and

WHEREAS, the Board has found and determined that the proliferation of unauthorized advertisements in the rights-of-way of highways in the County is becoming more prevalent and such advertisements can create public safety hazards and can have a negative effect on the appearance of public highways; and

WHEREAS, the Board desires to exercise its authority under Section 15.2-1200 of the Code of Virginia, 1950, as amended, to regulate the placement of advertisements in the right-of-way of highways in the County, in a manner consistent with existing provisions of Title 33.1, Chapter 7, Article 1 of the Code of Virginia, as provided in Section 33.1-374 of the Code; and

WHEREAS, the Board desires additional authority, as an agent of the Commissioner, for the removal of advertisements from the highways in the County; and

WHEREAS, the Commissioner desires the Board's assistance in removing advertisements from the highways in the County, and wishes to designate the Board and its designees as agents of the Commissioner for the removal, obliteration and abatement of advertisements placed illegally within the limits of highway rights-of-way; and

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. This Agreement is entered into pursuant to Section 33.1-375.1(D) of the Code of Virginia by authorized representatives of the parties following approval by the Board in

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a public meeting held on _____.

2. The Commissioner designates the Board, and its designees, as his agent for the purposes of removing any advertisements located within the rights-of-way of highways in the County when such advertisements are found to be in violation of the provisions of Section 33.1-373 of the Code of Virginia, 1950, as amended.
3. The Commissioner designates the Board, and its designees, as his agent for the purpose of prosecuting violations of Section 33.1-373 of the Code of Virginia, 1950, as amended, seeking any remedy authorized by that section, and recovering any civil penalties, fines, costs of abatement, court costs, attorney fees, and any other fines, penalties, or costs that may be awarded by a court under that section. The County shall be entitled to full reimbursement from the violator of its costs of advertisement removal and enforcement. Any civil penalties collected shall be remitted by the Board on a quarterly basis to the Commissioner and paid into the Highway Maintenance and Operating Fund.
4. This Agreement shall remain in full force and effect unless sooner terminated upon thirty (30) days written notice by either party to the other party.
5. This Agreement may be amended at any time by written agreement of the parties.

WITNESS the following signatures and seals:

COMMONWEALTH TRANSPORTATION COMMISSIONER

By _____
Commissioner

COUNTY OF LOUDOUN, VIRGINIA

By _____

ATTACHMENT IV



**Chesterfield County, Virginia
Department of Public Affairs**

9901 Lori Road, Room 500 – P.O. Box 40 – Chesterfield, VA 23832
Phone: (804) 748-1161 – Fax: (804) 748-7609 – Internet: chesterfield.gov

DON J. KAPPEL
Director

June --, 2007

For immediate release

**CHESTERFIELD COUNTY BEGINS VOLUNTEER
PROGRAM TO REMOVE ILLEGAL SIGNS**

CHESTERFIELD COUNTY, VA—Chesterfield County recently instituted a volunteer program to remove illegal signs from roads and rights of way within the county.

State law prohibits advertising within the limits of any highway, which includes the roadway, shoulders, median strips and approximately 5 feet adjacent to the pavement. Penalties for placing such illegal signs can include the removal of the advertisement, a \$100 fine, and having to pay the costs of removal. Businesses that routinely place illegal signs in rights of way could be subject to injunction actions to prevent their continued placement of illegal signs.

Since roads in Chesterfield County are maintained by the Virginia Department of Transportation, the county had to obtain permission from VDOT to police and remove the illegal signs. Once that agreement was executed, the county quickly created a program through which county residents can volunteer to assist in the cleanup efforts. Safety training is required for all volunteers. **Citizens should not remove illegal signs except through this county sponsored program.**

The first group of volunteers received training on June 5 and will begin to remove illegal signs in the next few weeks. Volunteers will be working principally on roadsides and wearing bright orange safety vests. Motorists should be careful and slow down when approaching or passing an area where the volunteers are working.

Anyone interested in assisting the county in its efforts to remove the illegal signs from the roadways should contact Chesterfield County Zoning Code Enforcement at 748-1500. The next training class will be held July 23, 7-8:30

Providing a FIRST CHOICE community through excellence in public service

ATTACHMENT V

Sign Removal in Rights of Way Volunteer Position Description

Overview of Volunteer Position: Illegal signs, whether posted by businesses, individuals, neighborhood associations, or non-profit organizations, are blight on the community, and can interfere with drivers' vision. Volunteers will be trained to learn how to safely remove illegal signs along the roadways of Chesterfield County. Upon completion of a county-sponsored training session, volunteers will understand how to determine if a sign is violating zoning ordinances, how to safely remove it, where to dispose of it and how to record their activities for the Planning Department.

Location: Volunteers may suggest areas that they would like to monitor, or they may ask to be placed where there is the greatest need. There are certain roadways that may not be monitored by volunteers for safety reasons.

Schedule: Volunteers may work when it is convenient for them, between dawn and dusk. It is advisable to work when the roadways are quietest, avoiding rush hour when at all possible. Volunteers may work alone or in a group.

Age restrictions: Volunteers must be 18 years old or older.

CHESTERFIELD COUNTY SIGN REMOVAL PROGRAM GUIDELINES

1. Chesterfield County's sign removal program has been established to provide opportunities for community spirited businesses, organizations, groups and individuals to enhance Chesterfield County neighborhoods by removing signs illegally placed along the roadways. Chesterfield County Planning Department in association with the Risk Management Department will determine the specific right-of-ways available for sign removal.
2. The participant(s) recognize(s) the need for and desirability of illegal sign removal in neighborhoods and accepts responsibility for picking up the signs. Chesterfield County Planning Department will determine whether an application is accepted.
3. The volunteer participant(s) will agree to remove signs, as the Planning Department deems necessary.
4. Volunteer participant(s) acknowledge that potential dangers may be involved in sign removal, such as working near automobile travel lanes, working on uneven shoulders and ditch lines, handling signs with nails and sharp edges and potential contact with broken glass, sharp metal, and animals. Chesterfield County is not responsible for injuries incurred during sign removal.
5. Volunteer participant(s) will review the "Safety Guidelines" with all participant(s) prior to each sign sweep, and mail, fax or e-mail the sign removal worksheet upon the completion of each sign sweep. Sign removal worksheets must include a list of names or participants, the date and location of sign removal and the number of signs removed.
6. The possession, consumption, or being under the influence of alcohol or drugs during sign removal is prohibited.
7. Sign removal will take place during daylight hours and during fair weather.
8. Chesterfield County will assist in organizing the sign removal effort and will provide safety tips and reflective vests for volunteers.
9. While performing activities on the right-of-way, participant(s) must not distract, disrupt, or adversely affect traffic. Participant(s) must not display messages or carry banners.
10. Volunteers agree to stay clear of traffic on the right-of-way.
11. Volunteer participants must be 18 years old or older.
12. Volunteers will refrain from wearing headphones during sign removal.

ATTACHMENT VII

13. Participate(s) agree to defend, release, indemnify and save and hold harmless Chesterfield County, its officers, agents and employees against any and all damages to property or injuries to or death of any person or persons, including property and employees or agents of the county, and shall defend, release, indemnify, and save and hold harmless the county from any and all claims, demands, suits, actions, liabilities, causes of action or legal or equitable proceedings of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, in any way resulting from or arising out of the sign removal activities, including acts or omissions of the sign removal participant(s); provided, however, that the sign removal participate(s) need not indemnify and save harmless Chesterfield County, its officers, agents, and employees from damages proximately resulting from the sole negligence of the county's officers, agents, and employees.

14. Volunteer participant(s) understands that they are not and shall not be construed to be employees of Chesterfield County.

15. Chesterfield County will:

- a. determine the specific right-of-way to be swept for illegal signs,
- b. provide participate(s) with safety vests,
- c. accept and dispose of illegal signs,
- d. reserve the right to cancel any application due to failure to meet requirements of the program or for safety reasons,
- e. reserve the right to request name and legal address of volunteers, and
- f. provide safety training for participate(s)

16. It is the responsibility of participate(s) to familiarize all participants with these guidelines.

These guidelines have been accepted on this date.

Participant Name or Group Name: _____

Authorized Representative (print name): _____

Mailing Address: _____

Signature: _____

Date: _____

Sign Removal Worksheet

Name(s) of Volunteer(s) _____

Date of sign Removal _____

Number of hours worked _____

Location of sign removal (general description)

Number of signs removed _____

Other notes

Drop off location

- Northern Area Convenience Station
- Southern Area Convenience Station
- Other

Send To:

Mail- Ted Barclay, 9800 Government Center Parkway, Chesterfield, Virginia 23832
Call- 748-1802
Fax- 717-6295
E-mail- barclayt@chesterfield.gov

