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County rewards special interest groups for bad behavior

by Stacy Emerson, Founder,
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In 2007, the Pierce County Council responded to citizen complaints about the issue of thousands of illegally placed off-premise signs blighting the communities and roadsides of unincorporated Pierce County.

The first responder was Councilmember Roger Bush, who sponsored an ordinance to "tighten up" Pierce County's sign laws which included amendments to allow the County to remove illegal signs and other objects in public right-of-way without prior notice to the offending party - and to issue citations of \$250 per sign/per day to offenders.

Bush then followed by sponsoring an illegal sign removal pilot program which resulted in the removal of 4,400 illegal signs from 55 sq. miles of roadside in unincorporated Pierce County. This program cost the taxpayers \$40,000 and, though it could have generated \$1.5 million in fees, no fines were imposed, and not a single dollar was collected.

While the pilot program was in force, Bush sponsored the formation of an ad hoc committee in response to requests made by the most prolific offenders - the development and real estate industries - who asked for an exception to allow their industries the right to post off-premise directional advertisement signs on county rights-of-way and on private property not owned by them. This ad hoc committee cost the taxpayers another \$5,000 and yielded no consensus among its members.

The committee of eight, which was hand-picked by Councilmember Bush and approved for appointment by the full Council, included four members of the development/real estate industries.

During the same time period, the adhoc committee was meeting to discuss solutions to the problem, Public Works continued to discover new signs erected by the same offenders - sometimes in the same location.

Seeing this as a problem which wasn't going to go away by relying solely on compliance, the County Council authorized a 2008 budget item in the range of \$150,000 to continue with the removal of illegally placed signs in public rights-of-way.

From mid-February through mid-March, Public Works reported removing more than 1,300 illegally placed signs which, if citations had been issued to the offenders, could potentially have raised \$325,000. This sweep caused an uproar from many in the development and real estate industries who claimed they received no forewarning on the enforcement sweeps.

In early April 2008, Councilmember Bush did an about-face by sponsoring R2008-41, which instructs Pierce County Planning and Land Services and Public Works to draft amendment language to allow the development and real estate industries special privileges to place off-site advertisement signage throughout unincorporated Pierce County.

This legislation, if passed, would allow up to six signs (on a single permit) per subdivision/development, no closer than 500 feet from one another, and no further than two road miles from the sales site.

This means, for example, if there are four developments/sub-divisions near one another, they would legally be permitted to erect up to 24 off-premise signs combined within a two-mile radius (one sign every 220 feet of roadway if



Real estate and development signs along Canyon Rd. Photo by Stacy Emerson

spaced evenly). The suggested requirement of an agent being on-site and available while these signs are posted is moot, as even when told repeatedly that their current sign-posting activities are illegal, these industries have continued to operate outside the law by blatantly posting thousands of off-premise signs along our roadways and on private property via contracts with private property owners.

Already deemed unconstitutional by the *Ballen v. the City of Redmond* case, laws cannot legally protect off-premise signage displayed by the development and real estate industry while unfairly restricting the First Amendment rights of all other for-profit business owners. This leaves us to wonder why Councilmember Bush and supporting Councilmembers would even consider these changes, knowing they would invite lawsuits against the County.

If this legislation proposal were based on the arguments from the development/real estate industries, and recently echoed by T-PC Master Builders Association president Duke York, that "Builders attribute 60 percent of sales to good signage," then the County Council must also take into consideration that if other for-profit businesses posted thousands of illegal off-premise advertisement signs across our County, they too could likely accredit 60 percent of their sales to illegal off-premise signage.

The Pierce County Council should table this legislation indefinitely. Leaving the laws as they are and fully enforcing them will not only save taxpayers dollars from being spent on inevitable, expensive court suits with an already known outcome, but will also prove to the taxpayers that communities free from the blight of thousands of illegally placed signs is as important to our elected officials as it is to the people who elected them.