

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 060808)

RESOLUTION

Authorizing the Committee of the Whole to conduct hearings related to the “Consent Agreement and Release” entered into by the City of Philadelphia and certain outdoor advertising sign companies in settlement of litigation regarding outdoor advertising signs, for the purpose of examining the terms of the agreement, the impact the implementation of the agreement will have on existing and future outdoor advertising signs and whether new legislation regulating outdoor advertising signs is needed.

WHEREAS, Bill Number 050453, amending Section 9-602 of The Philadelphia Code relating to outdoor advertising signs, was passed by City Council on June 2, 2005 and signed by the Mayor on June 15, 2005; and

WHEREAS, Bill Number 050453, among other things, amended the requirements for obtaining and the conditions for issuing licenses for outdoor advertising signs, increased license fees to \$650 per sign face, required periodic engineering reports to ensure safety, and increased penalties for violations; and

WHEREAS, On November 29, 2005, certain outdoor advertising sign companies (Plaintiffs) commenced an action in federal court, against the city and certain city officials (Defendants), Free Speech, LLC, et al. v. City of Philadelphia, et al., No. 05-6188 (E.D. Pa. November 29, 2005), seeking a declaration of rights invalidating certain requirements of Section 9-602 and other provisions of The Philadelphia Code and seeking, among other things, an injunction against enforcement of those provisions on the grounds that they violate the First and Fourteenth Amendments to the United States Constitution; and

WHEREAS, In order to avoid further litigation, the parties entered into a consent agreement, effective for eight (8) years from August 9, 2006 to August 9, 2014, resolving the challenges to The Philadelphia Code; and

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WHEREAS, Recognizing that over the years, records of the outdoor advertising sign companies and the City have been lost and may be incomplete and unreliable, and that there have been inconsistencies and ambiguities regarding certain measurements such as sign face and height measurements, the consent agreement sets forth a procedure intended to establish a definitive inventory of outdoor advertising signs that is final, undisputed, resolves ambiguities and avoids future disputes; and

WHEREAS, The consent agreement provides for the expedited removal of 900 specific outdoor advertising signs and a reduction in the annual licensing fee over a period of eight (8) years from three hundred (300) dollars per sign face in 2006 to fifty (50) dollars per sign face in 2013 to the end of the effective period on August 9, 2014; and

WHEREAS, The consent agreement also provides that any disputes concerning the lawful status of certain outdoor advertising signs shall be resolved by a Special Master; and

WHEREAS, Since the proliferation of outdoor advertising signs over the years has been a matter of great public concern, it is important that hearings be held to determine how the consent agreement impacts the regulation of outdoor advertising signs and whether new legislation might be needed in this area; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That Council hereby authorizes the Committee of the Whole to conduct hearings related to the "Consent Agreement and Release" entered into by the City of Philadelphia and certain outdoor advertising sign companies in settlement of litigation regarding outdoor advertising signs, for the purpose of examining the terms of the agreement, the impact the implementation of the agreement will have on existing and future outdoor advertising signs, and whether new legislation regulating outdoor advertising signs is needed.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-sixth October, 2006.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Blackwell for Council President Verna

Sponsored by: Council President Verna, Councilmembers Blackwell, Goode, DiCicco, Tasco, Reynolds Brown, Ramos, Krajewski, Kelly, Rizzo, Miller and Kenney