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Chairman Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, Appendix N of Title 12-A of the District of Columbia Municipal Regulations by ratifying and adopting certain sign regulations previously issued by the Chairperson of the Construction Codes Coordinating Board, the Director of the Department of Consumer and Regulatory Affairs, and the City Administrator, amend An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, the Construction Codes Approval and Amendments Act of 1986, and the Sign Regulation Authorization Amendment Act of 2012 to clarify the rulemaking process for sign regulations, and clarify the prohibition on off-premises advertising in Appendix N of Title 12-A of the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sign Regulations Second Congressional Review Emergency Amendment Act of 2023”.

Sec. 2. Adoption of previously promulgated sign regulations.

(a) The Council hereby amends Appendix N of Title 12-A of the District of Columbia Municipal Regulations by ratifying and adopting each of the following emergency and final rules, which are incorporated by reference here:

(1) The portion of the final rule adopted by the Chairperson of the Construction Codes Coordinating Board on March 20, 2014, that promulgated Appendix N of Title 12-A of the District of Columbia Municipal Regulations, which was published in the District of Columbia Register on March 28, 2014, at 61 DCR 2782, as corrected by errata notices published

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36 in the District of Columbia Register on May 23, 2014, at 61 DCR 5246, and on June 6, 2014, at
37 61 DCR 5761;

38 (2) The portion of the emergency rule adopted by the Chairperson of the
39 Construction Codes Coordinating Board on May 7, 2014, that amended Appendix N of Title 12-
40 A of the District of Columbia Municipal Regulations, which was published in the District of
41 Columbia Register on May 9, 2014, at 61 DCR 4760;

42 (3) The portion of the emergency rule adopted by the Chairperson of the
43 Construction Codes Coordinating Board on August 29, 2014, that amended Appendix N of Title
44 12-A of the District of Columbia Municipal Regulations, which was published in the District of
45 Columbia Register on August 29, 2014, at 61 DCR 8983.

46 (4) The portion of the final rule adopted by the Chairperson of the Construction
47 Codes Coordinating Board on December 15, 2015, that amended Appendix N of Title 12-A of
48 the District of Columbia Municipal Regulations, which was published in the District of
49 Columbia Register on January 2, 2015, at 62 DCR 103;

50 (5) The final rule adopted by the Director of the Department of Consumer and
51 Regulatory Affairs on March 14, 2016, which was published in the District of Columbia Register
52 on April 22, 2016, at 63 DCR 6082;

53 (6) The emergency rule adopted by the City Administrator on July 12, 2016,
54 which was published in the District of Columbia Register on August 26, 2016, at 63 DCR 11000;

55 (7) The emergency rule adopted by the City Administrator on November 4, 2016,
56 which was published in the District of Columbia Register on November 4, 2016, at 63 DCR
57 13718;

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58 (8) The emergency rule adopted by the City Administrator on March 3, 2017,
59 which was published in the District of Columbia Register on March 3, 2017, at 64 DCR 2407;

60 (9) The final rule adopted by the City Administrator on June 30, 2017, which was
61 published in the District of Columbia Register on June 30, 2017, at 64 DCR 6105; and

62 (10) The portion of the final rule adopted by the Chairperson of the Construction
63 Codes Coordinating Board on May 21, 2020, that promulgated Appendix N of Subtitle 12-A of
64 the District of Columbia Municipal Regulations, which was published in the District of
65 Columbia Register on May 29, 2020, at 67 DCR 5679.

66 (b) Each rule ratified, adopted, and incorporated by reference in subsection (a) of this
67 section shall apply retroactively to the date that the applicable notice of emergency or final
68 rulemaking issued by the City Administrator, Director of the Department of Consumer and
69 Regulatory Affairs, or the Chairperson of the Construction Codes Coordinating Board indicated
70 that the rule would take effect, and each such rule shall continue to apply after that date, except
71 to the extent that:

72 (1) The ratification and adoption of another rule listed in subsection (a) of this
73 section and made applicable after that date alters or supersedes the text of such rule;

74 (2) A rule duly issued after the effective date of this act alters or supersedes the
75 text of such rule;

76 (3) Such rule (if an emergency rule) expires pursuant to the terms set forth in the
77 applicable notice of emergency rulemaking; or

78 (4) Such rule is altered or superseded by the amendment set forth in section 4.

79 Sec. 3. Clarification of sign rulemaking procedures.

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80 (a) Section 1 of An Act To regulate the erection, hanging, placing, painting, display, and
81 maintenance of outdoor signs and other forms of exterior advertising within the District of
82 Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.21), is amended
83 as follows:

84 (1) Subsection (a) is amended as follows:

85 (A) Strike the phrase “The Mayor shall issue, amend, repeal and enforce
86 rules governing the hanging, placing, painting, projection, display, and maintenance of signs on
87 public space, public buildings, or other property owned or controlled by the District and on
88 private property within public view within the District” and insert the phrase “The Mayor,
89 pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October
90 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue a comprehensive
91 rulemaking to update the rules governing the hanging, placing, painting, projection, display, and
92 maintenance of signs on public space, public buildings, or other property owned or controlled by
93 the District and on private property within public view within the District, and the Mayor may
94 thereafter amend, repeal, and enforce such rules.” in its place.

95 (B) Strike the phrase “The proposed rules” and insert the phrase
96 “Proposed rules” in its place;

97 (C) Strike the phrase “The rules shall not” and insert the phrase “The
98 proposed rules shall not” in its place.

99 (2) A new subsection (c) is added to read as follows:

100 “(c) Until the issuance of a comprehensive final rulemaking pursuant to subsection (a) of
101 this section, the Mayor may issue rules to update, amend, repeal, and enforce regulations
102 regarding signs on public space, public buildings, or other property owned or controlled by the

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103 District and on private property within public view within the District pursuant to section 10 of
104 the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C.
105 Law 6-216; D.C. Official Code § 6-1409).”.

106 (b) The Construction Codes Approval and Amendments Act of 1986, effective March 21,
107 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

108 (1) Section 4(b) (D.C. Official Code § 6-1403(b)) is amended by striking the
109 phrase “interior signs or” and inserting the phrase “signs, advertising devices, and” in its place.

110 (2) Section 10(a) (D.C. Official Code § 6-1409)(a)) is amended as follows:

111 (A) Strike the phrase “The Mayor may issue proposed rules to amend the
112 Construction Codes” and insert the phrase “The Mayor may issue rules to amend the
113 Construction Codes” in its place.

114 (B) Strike the phrase “The proposed rules” and inserting the phrase
115 “Proposed rules” in its place.

116 (C) Strike the phrase “The rules shall not” and inserting the phrase “The
117 proposed rules shall not” in its place.

118 Sec. 4. Clarification of the prohibition on off-premises advertising.

119 Section N101.6 of Appendix N of Title 12-A of the District of Columbia Municipal
120 Regulations is amended by striking the phrase “No sign subject to the provisions of Section
121 N101” and inserting the phrase “No sign subject to the provisions of Section N101, regardless of
122 whether a permit is or was required for the erection of the sign, and regardless of whether the
123 sign was subject to the provisions of Section N101 at the time of its erection,” in its place.

124 Sec. 5. Fiscal impact statement.

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125 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
126 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
127 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

128 Sec. 6. Effective date.

129 This act shall take effect following approval by the Mayor (or in the event of veto by the
130 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
131 90 days, as provided for emergency acts of the Council of the District of Columbia in section
132 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
133 D.C. Official Code § 1-204.12(a)).