

3 A BILL

4 _____
5 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
6 _____

7 To require the Mayor to issue rules governing additional graphics for the displays on the
8 exterior of the Verizon Center.
9

10 BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
11 this act may be cited as the “Verizon Center Graphics and Entertainment Act of 2011”.

12 Sec. 2. Within 90 days of the effective date of this act, the Mayor, pursuant to Title 1
13 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82
14 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to govern the graphics for the
15 intended nine additional displays on the exterior of the Verizon Center. The proposed rules
16 shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays,
17 holidays, and days of Council recess. If the Council does not approve or disapprove the
18 proposed rules, by resolution, within the 30-day review period, the proposed rules shall be
19 deemed approved.

20 Sec. 3. The Mayor shall consider the following provisions when promulgating rules as
21 potential amendments to Chapter 31A of Title 12A of the District of Columbia Municipal
22 Regulations (12A DCMR § 3105 *et seq.*) in the form of a new Section 3107.19 to read as
23 follows:

1 “3107.19 Rules for Verizon Center Project Graphics: The code official is
2 authorized to issue nine permits for “Verizon Center Graphics” as defined in Section
3 3107.19.1. The Verizon Center Graphics and the permitting process therefore shall be subject
4 to the provisions of Sections 3107.19 to 3107.19.9 and the following Life Safety provisions,
5 as applicable: Sections 3107.3.4 (Permits for Electrical Signs), 3107.7.1 (Projecting Signs),
6 3107.7.2 (Roof Signs), 3107.7.3 (Signs Supported by Projecting Construction), 3107.7.4
7 (Signs on Awnings or Similar Projections), 3107.7.8 (Signs on Public Space), 3107.11
8 (Structural and Materials Requirements), 3107.13 (Dangerous Signs), and 3107.14
9 (Obstructive Signs) except as applied to windows. The Verizon Center Graphics shall not be
10 subject to any other provision of this Chapter or any provision of Titles 10 or 12 pertaining to
11 the permitting, approval, erection, placing, painting, display, or maintenance of billboards,
12 poster panels, wall signs, Special Signs, and any other types of outdoor signs, including,
13 without limitation, Section 3107.10 or any other provision of this Chapter that limits the
14 maximum size or height of signs, other than the limitations stated or incorporated into this
15 Section. Nothing in this Section shall prevent the operation of Sections 3107.3.5 (Exemptions
16 from Permit) or 3107.6.6.1 (Temporary Decorations for Buildings) with respect to the
17 Verizon Center.”

18 “3107.19.1 Definitions: As used in Sections 3107.19 to 3107.19.9, the following
19 definitions apply:”

20 “Verizon Center: The property and structure known as the Verizon Center, located at
21 Square 455, Lot 47, including the Metro entrance on the corner of 7th and F Streets, N.W.”

1 “Verizon Center Graphics: Outdoor graphics and visuals for the Verizon Center, which
2 are not existing on the Verizon Center as of September 16, 2011, including, but not limited to,
3 banners, digital displays, digital screens, digital video monitors, animated signs for commercial
4 establishments located within the building, static canvas displays, projectors for projecting static
5 and moving images onto the Verizon Center, interactive kiosks, and images projected onto the
6 façade of the Verizon Center.”

7 “3107.19.2 Intensity or brilliance of graphics: No Verizon Center Graphic shall have
8 such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise
9 interfere with the driver’s operation of a motor vehicle.”

10 “3107.19.3 Verizon Center Graphics Permit: No Verizon Center Graphics may be
11 erected, hung, placed, posted, painted, displayed, or maintained without the owner of such
12 Verizon Center first obtaining a Verizon Center Graphics Permit from the Department in
13 accordance with Section 3107.19.4. A Verizon Center Graphics Permit authorizes the
14 location, size, and structural design of the graphic or visual.”

15 “3107.19.4 Verizon Center Graphics Permit Application: An application for a Verizon
16 Center Graphics Permit shall be submitted by the owner to the Director of the Department, or
17 his or her designee and shall include the following:”

18 “(1) Identification of: (a) the applicant; (b) the proposed type and location of the
19 Verizon Center Graphics, and the face direction of the wall or surface (*e.g.*, “northern-
20 facing”); (c) the proposed linear dimensions of the Verizon Center Graphics; and (d) the
21 proposed structural design of the Verizon Center Graphics.”

1 “(2) An affidavit signed by the applicant or his or her duly authorized
2 representative, certifying that the applicant is in compliance with subchapter II of Chapter 28 of
3 Title 47 of the District of Columbia Official Code.”

4 “(3) A permit fee in the amount of one dollar (\$1.00) per square foot of the
5 Verizon Center Graphics. The permit fee may be paid by check made payable to the order of
6 the “D.C. Treasurer.” The permit fee may be refunded to the applicant if the permit is not
7 issued, in accordance with the provisions of Chapter 1A for the refund of unused permit fees.”

8 “3107.19.5 Permit Application Referrals: The Director of the Department, or his or her
9 designee, shall refer all permit applications to the District Department of Transportation and the
10 Office of Planning. The agencies shall have sixty (60) days from the referral date to submit a
11 written report to the Director of the Department, except that the Director may allow for an
12 extension of this period of up to thirty (30) days for good cause.”

13 “3107.19.6 Effect of Adverse Report: No permit shall be granted within the time
14 period provided in Section 3107.19.5 if:”

15 “(1) The Director of the Department of Transportation reports in writing that the
16 location, size, or height above grade of the visual or graphic is objectionable with regard to
17 vehicular traffic safety; or”

18 “(2) The Director of the Office of Planning reports in writing that the proposed
19 graphic or visual would adversely impact the character and integrity of the Verizon Center.”

20 “3107.19.7 Review, Approval, and Denial of Permit Applications. The Director of
21 the Department, or his or her designee, shall review and approve or deny a Verizon Center
22 Project Graphics Permit application within twenty (20) days of after the expiration of the

1 time period provided in Section 3107.19.5. Verizon Center Project Graphics Permits shall
2 be issued in the name of the applicant and shall pertain solely to the Verizon Center Project
3 Graphics location identified on the permit.”

4 “3107.19.7.1 Denial of Application: If the Director denies a Verizon Center
5 Graphics Permit, the denial shall be in writing to the applicant and shall state the statutory or
6 regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of
7 the denial to correct any defect in the application.”

8 “3107.19.8 Enforcement of Regulations and Removal of Verizon Center Graphics:
9 Any unauthorized Verizon Center Graphic (including Verizon Center Graphics without a
10 permit) shall be taken down or removed within ten (10) business days after receipt of written
11 notification of violation from the Department. Following the expiration of this time period, the
12 code official is authorized, through personnel of the Department or the Metropolitan Police
13 Department, to remove or take down the unauthorized Verizon Center Graphic and to impose
14 civil fines of no more than three dollars (\$3) per square foot of sign, per day that the
15 unauthorized Verizon Center Graphic fails to be taken down or removed. Both the owner of
16 the premises upon which the Verizon Center Graphic is displayed and the permit holder are
17 responsible for taking down or removing the graphic or visual upon notification by the
18 Department to do so, and both may be held responsible for any penalties or fines imposed for the
19 violation. Additional enforcement measures may be taken pursuant to, and consistent with, the
20 provisions of Section 113 (Violations and Infractions).

21 “3107.19.9 Maintenance and repair. Whenever the code official finds that any Verizon
22 Center Graphic is not maintained in good repair and has not deteriorated more than fifty percent

1 (50%) of its replacement value, the code official shall notify the owner thereof and order him to
2 repair the Verizon Center Graphic within a specified time but not less than ten (10) calendar
3 days. If the code official finds that the Verizon Center Graphic has deteriorated more than
4 fifty percent (50%) of its replacement value, or is not repaired within the time specified in
5 the repair notice, the code official shall notify the owner of the Verizon Center Graphic and the
6 owner of the real property on which said Verizon Center Graphic is located to remove the
7 Verizon Center Graphic from the property within a specified time. Failure to comply shall
8 subject said owners, upon conviction or adjudication, to the fines provided for in Section 4 of
9 AN ACT to regulate to erection, hanging, placing, painting, display, and maintenance of outdoor
10 signs and other forms of exterior advertising within the District of Columbia, approved March 31,
11 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees
12 pursuant to Titles I through III of the Department of Consumer and Regulatory Affairs Civil
13 Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-
14 1801.01 *et seq.*). The code official may extend the time periods stated in this Section upon the
15 owner’s written showing of good cause.”

16 “3107.19.10 Any outdoor graphics and visuals existing on the Verizon Center as of
17 September 16, 2011 shall be deemed to be approved under D.C. law.”

18 “3107.17.11 Rulemaking Authority. Notwithstanding Section 10 of the Construction
19 Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216;
20 D.C. Official Code § 6-1409), the Director may amend the provisions of this Section by
21 rulemaking pursuant to Section 6 of the District of Columbia Administrative Procedure Act,

1 approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of
2 the proposed rules to the Council for its prior review and approval.”

3 Sec. 3. Fiscal impact statement.

4 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
5 statement required by Section 602(c)(3) of the District of Columbia Home Rule Act, approved
6 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

7 Sec. 4. Effective date.

8 This act shall take effect following approval by the Mayor (or in the event of veto by the
9 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
10 provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved
11 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
12 District of Columbia Register.