

Settlement Negotiations with City of Fort Worth

Richard Rothfelder represented Eller Media Company, Outdoor Systems, and nine other off-premise outdoor advertising companies, which challenged several of the sign regulations of the City of Fort Worth, including extensive and burdensome permit fees and procedures, prohibition on new construction, and severe restrictions on repairs and maintenance. Mr. Rothfelder was able to achieve his clients' objectives without the expense and inconvenience of litigation. Instead, he engaged the attorneys and administrators of Fort Worth in extensive settlement negotiations, which eventually led to the redrafting and passage of new more reasonable sign regulations in Fort Worth.

Billboard owners protest changes

New regulations take effect on Wednesday

By JACK Z. SMITH
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FORT WORTH — New city billboard regulations are under fire from sign companies, which have hired a veteran of billboard regulatory wars in Houston to press their complaints.

Houston attorney Richard Rothfelder, in a letter to Fort Worth officials, labeled a new billboard-registration ordinance adopted by the City Council in April "unconstitutional and illegal."

Rothfelder said the registration fee of \$75 per billboard every three years is excessive and that the registration process is unreasonably "burdensome."

He said an ordinance adopted by the council in July, banning construction of new billboards and regulating maintenance of existing ones, is "offensive" and contains language that could be interpreted as barring companies from temporarily removing sign faces to place new advertisements on them.

City Development Director Ann Kovich defended the registration fee, saying it covers only the cost of regulating billboards. And she said the ordinance adopted in July was never intended to prevent sign companies from changing ads on billboards.

Rothfelder said billboard firms need more time to comply with the registration ordinance, which requires signs to be registered with the city by Wednesday.

Assistant City Attorney Marcella Olson said that at a meeting at 4 p.m. Thursday, the City Council is to consider a proposal to delay the registration deadline until Oct. 31. The council is meeting on Thursday because some members will be out of town at the normal Tuesday meeting time.

In challenging the new regulations, the sign industry is expected to encounter opposition from organizations that consider the billboards to be eyesores.

Judy Harman, chairwoman of Scenic Fort Worth, said the city's new sign ordinances are "not as stringent" as billboard regulations passed in other cities and upheld in court rulings. She said Fort Worth's ban on new billboards has "strong support ... throughout the city."

Martha Newman, a vice president of the Fort Worth League of Neighborhood Associations, said the billboard companies are "incensed because the city succeeded in passing a fair, good ordinance banning the construction of any more ugly billboards."

"Now, because the billboard lobby lost on the ban, they can't think of anything else to do but nit-pick our ordinance and try to find flaws where there are not any," she said.

"This latest tactic won't work. The billboard ban will stand. It's constitutional and good for the future of this city."

Rothfelder said he represents 11 sign companies that have complaints about the new Fort Worth ordinances. The clients include Eller Media, which has 400 of the approximately 900 billboards in the city.

City officials are trying to schedule meetings with industry representatives, Olson said.

Arnold Velez, Eller's director of public affairs, said billboard officials hope for "amicable" talks, but "have some issues and concerns that we feel very strongly about."

Velez said the registration ordinance requires that, for each billboard location, a sign company must fill out a form, provide a site plan, furnish a plat with a legal description of the property and place a registration number on each side of the sign. This requires traveling to each site, taking measurements and sketching a site plan — a time-consuming procedure that took Eller "a couple of days" for eight signs, he said.

In complaining about Fort Worth's registration fee of \$75 each three years, Rothfelder said it was excessive when compared with Houston's levy of \$40 every three years.

But Ollie Schiller, a Houston sign official, said that city charges \$40 for each billboard sign face, or a total of \$80 for the majority of Houston billboards, which have two faces. That is \$5 more than Fort Worth's charge of \$75 per billboard structure, a rate that Olson said does not vary even if a billboard has multiple sign faces.