

Commercial and Political Signs

Frequently Asked Questions

Who do I call to complain about a commercial or political sign in the median or shoulder of a road?

- Call the Virginia Department of Transportation at 703-383-8368, TTY 711.
- The Commonwealth Transportation Commissioner is responsible for enforcing the provisions of Va. Code Ann. § 33.1-373, which prohibits the placing of advertisements in the state rights-of-way.

Why is the county not doing something about signs on roadways?

- Only the Commonwealth Transportation Commissioner or his agent has the authority to enforce the state code as it pertains to signs in the state rights-of-way.
- Fairfax County does not have jurisdiction over the state rights-of way and is not currently authorized under state law to remove signs within the public right of ways.

What kinds of signs are prohibited in roadway or public right of ways?

- Va. Code Ann. § 33.1-373 (2005) provides that

[a]ny person who in any manner (i) paints, prints, places, puts or affixes any **advertisement** upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker, building or other object lawfully within the limits of any highway or (ii) erects, paints, prints, places, puts, or affixes any **advertisement** within the limits of any highway shall be assessed a civil penalty of \$100.

- An advertisement is defined in Va. Code Ann. § 33.1-351 as

any writing, printing, picture, painting, display, emblem, drawing, sign, or similar device which is posted or displayed outdoors on real property and is intended to invite or to draw the attention or to solicit the patronage or support of the public to any goods, merchandise, real or personal property, business, services, entertainment, or amusement manufactured, produced, bought, sold, conducted, furnished, or dealt in by any person; the term shall also include any part of an advertisement recognizable as such.

Are any kinds of signs allowed in public right of ways?

- There are limited exceptions to the prohibitions in Va. Code Ann. § 33.1-373. These exceptions are set forth in Va. Code Ann. § 33.1-355 (2005), and they include, among other things, farm produce sale signs, official notices or advertisements, signs erected by the Commonwealth Transportation Commissioner, historical markers erected by public authorities, and signs erected by the Red Cross relating to emergency stations.

Are political signs at polling places allowed?

- Yes. During the times the polls are open and ballots are being counted, political signs may be placed outside official polling places, but they are not permitted within 40 feet of any entrance of any polling place. Va. Code Ann. § 24.2-604 (Supp. 2007).

Are there restrictions for signs on private property?

- Yes. Article 12 of the Fairfax County Zoning Ordinance sets forth restrictions on the size, location, and, in certain instances, the length of time signs can be posted.
- For specific information, please contact the Fairfax County Department of Planning and Zoning at 703-324-1300, TTY 711. Ask for the planner-of-the-day.
- More information is also available online at www.fairfaxcounty.gov/dpz/zoningordinance.

What is the Fairfax County Sign Task Force and what did they do?

- The Fairfax County Task Force was appointed by the Fairfax County Board of Supervisors in August 2000 to examine current practices and enforcement procedures regarding illegal signs within and along the roadways in the County, investigate other jurisdictions' best practice methods in dealing with illegal signs, and return with recommendations or suggestions the Task Force may have regarding amendments to the Code of Virginia or the Fairfax County Zoning Ordinance.
- The Task Force completed its study and presented its Final Report to the Board of Supervisors on September 22, 2002. Subsequently, as recommended in the Final Report, the General Assembly amended Va. Code Ann. § 33.1-375.1 to permit the Commonwealth Transportation Commissioner to enter into an agreement with the Board of Supervisors of Fairfax County authorizing the County to act as the Commissioner's agent for the enforcement of Va. Code Ann. § 33.1-373, subject to the restrictions set forth in Va. Code Ann. § 33.1-375.1(C). These restrictions allow campaigns signs and special events signs to remain in place for three days after an election or special event. Furthermore, all other signs and advertising would be permitted to remain in place for three days. At this time, the Commissioner has not entered into such an agreement with the County.