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| FROM | NAME & TITLE | Sandra E. Baker, Esq., Executive Director <i>SEB.</i> | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | ENVIRONMENTAL CONTROL BOARD 417 East Fayette Street, Room 634 | | |
| | SUBJECT | City Council Bill 10-0524 -Campaign Signs in Residential Areas –Repeal of Maximum-Size Restriction | | |

TO

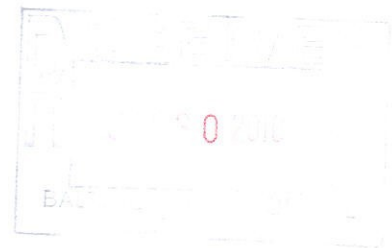
The Honorable Bernard C. Young
 President,
 City Council of Baltimore
 400 City Hall

DATE:
 June 28, 2010

The Environmental Control Board (ECB) has some concerns regarding this proposed council bill which repeals current law Article 19, §46-3(a) establishing a maximum size of 16 square feet for any campaign sign erected in a residential area. Article 19 has no size restrictions on signs in non-residential areas.

While ECB is aware of the challenge now before the federal courts to determine whether maximum size restrictions for residential campaign signs are permissible under the first amendment as free speech, changing the law may very well affect the ability for public safety and obstruction in row houses because of “urban density.” Signs erected exceeding the specified 16 square feet impairs the aesthetics of neighborhoods, and the ability of the residents to have what the constitution refers to as quiet enjoyment of their homes. When the constitution and the first amendment were promulgated by our founding fathers, they had no concept of “urban density” as it exists today. There are many variables that have a direct impact on the ability of the legislature to create a law that not only comply with the constitutional mandates, but also protect the liberties of their constituents. This is one that straddles the line. ECB anticipates many complaints from citizens about the obstructions if this bill is passed.

ECB always defers to the law department for legal sufficiency, but we cannot support the premise of this bill.



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