

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2009 Legislative Session

Bill No. CB-24-2009
 Chapter No. 20
 Proposed and Presented by Council Member Dernoga
 Introduced by Council Members Dernoga and Olson
 Co-Sponsors _____
 Date of Introduction July 14, 2009

BILL

1 AN ACT concerning

2 Regulation of Uses within the Public Rights-of-Way

3 For the purpose of providing for the regulation and administration of uses within the public
 4 rights of way, allowing for the use of the public right-of-way under certain circumstances,
 5 providing for a permitting process relating to uses within the public right-of-way, and providing
 6 for the enforcement of such regulations.

7 BY adding:

8 SUBTITLE 23. ROADS AND SIDEWALKS.

9 Sections 23-601, 23-602, 23-603, 23-604,
 10 23-605, 23-606, 23-607, 23-608, 23-609, and
 11 23-610.

12 The Prince George's County Code
 13 (2007 Edition, 2008 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, that Section 23-601, 23-602, 23-603, 23-604, 23-605, 23-606, 23-607, 23-608, 23-
 16 609, and 23-610 of the Prince George's County Code be and the same are hereby added:

17 **SUBTITLE 23. ROADS AND SIDEWALKS.**

18 **DIVISION 6. USES WITHIN THE COUNTY RIGHT-OF-WAY.**

19 **Sec. 23-601. Applicability.**

20 (a) This division governs the placement of all signs, objects, and other private property
 21 within the County right-of-way.

1 (b) Any sign or object authorized in this Division may contain noncommercial copy or
 2 commercial copy as long as the sign remains in conformance with applicable design standards.

3 (c) Any sign or object required to be placed in the County right-of-way by County, State,
 4 or Federal law shall be governed by those laws and not by this Division. The display of street
 5 addresses shall not be subject to the provisions of this Division.

6 **Sec. 23-602. Prohibited signs or objects.**

7 (a) The following items are prohibited within the County right-of-way:

8 (1) Any sign or object not expressly permitted in this Division;

9 (2) Pennants, pinwheels, and similar circus- or carnival-type attractors;

10 (3) Signs or objects which obstruct any pedestrian path intended to provide ingress or
 11 egress for any building or structure, access to a crosswalk, or on the sidewalk or any other paved
 12 portion of the right-of-way;

13 (4) Signs or objects which obstruct the view of traffic control devices;

14 (5) Signs or objects which, because of their shape, color, or wording, may be
 15 confused with any traffic control device or which may mislead motorists;

16 (6) Signs or objects which are not clean, legible, or in a state of good repair;

17 (7) Signs which are illegal under State or Federal regulations;

18 (8) Signs or objects that obstruct traffic; and

19 (9) Signs or objects or that are placed on or in a municipal, County, or State street
 20 right-of-way, except those of, or authorized by, public authorities or agencies, unless specifically
 21 authorized elsewhere in this Division.

22 (b) Signs placed or remaining within the County rights-of-way in violation of this Division
 23 shall be considered abandoned and illegal at the time the sign is placed.

24 **Sec. 23-603. Application for permit.**

25 (a) Except as provided in this Division, signs or objects shall not be placed within the
 26 County right-of-way unless a permit has been issued by the Department.

27 (b) An application for a permit shall be submitted on forms provided by the Department.

28 (c) Each application shall be accompanied by plans, sketches, or photographs which
 29 indicate the following:

30 (1) Size and location of the sign or object;

31 (2) Design of the sign or object;

1 (3) Method of erecting or placing the sign or object; and

2 (4) Other information the Director may require to insure compliance with this

3 Division and other regulations of the County.

4 **Sec. 23-604. Issuance.**

5 Permits may only be obtained when the proposed sign or object meets the requirements of
 6 this Division.

7 **Sec. 23-605. Display of issuance certificate; number plate.**

8 The permit number shall be conspicuously displayed on the sign or object itself, or on its
 9 supporting structure. If a single permit is issued for multiple signs or objects, the same number
 10 may be displayed on all signs or objects authorized by the permit.

11 **Sec. 23-606. Revocation of permits.**

12 All permits are only licenses, and are revocable at any time by the Director for failure to
 13 meet any of the requirements of this Division. The failure to comply with any of the regulations,
 14 or a valid order by the Director, shall subject the owner or user of the sign or object to the
 15 penalties prescribed by this Division.

16 **Sec. 23-607. Signs or objects exempt from permit.**

17 Types of signs exempt from sign permit, subject to the limitations provided:

18 (a) **Public:** Signs or objects of a noncommercial nature which are erected by, or
 19 ordered to be erected by, a public official in the performance of official duty, or by a
 20 governmental agency, such as: safety signs; traffic control signs; signs of historical interest; and
 21 names or locations of cities, towns, and villages.

22 (b) **Temporary real estate directional:** Temporary signs, not located on the
 23 premises being advertised, containing a directional arrow and advertising real estate for sale or
 24 lease,

25 (1) Maximum area of 1.5 square feet.

26 (2) Located within the County rights-of-way and within 25 feet of the corner of a
 27 street intersection.

28 (3) Maximum of 4 per each property advertised, with a maximum of 25 for
 29 multiple properties with an on-site common sales office.

30 (4) At any one intersection, there shall be only one sign facing each direction of
 31 traffic.

1 (5) Maximum height of 3 feet above finished grade at base of sign.

2 (6) Signs may only be erected between the hours of 5:00 p.m. Friday and 5:00
3 p.m. of the following Sunday.

4 (7) Signs placed or remaining within the County rights-of-way in violation of
5 these conditions shall be considered abandoned and illegal at the time the sign is placed.

6 (c) **Temporary institutional** : Temporary signs pertaining to events sponsored by a
7 church; library; school; hospital; fire station; community center; day care center for children;
8 service, fraternal, or civic organizations; or other similar group.

9 (1) Maximum area of 12 square feet.

10 (2) Located within the County rights-of-way and within 25 feet of the corner of a
11 street intersection.

12 (3) Maximum of 4 per sponsoring institution.

13 (4) Maximum height of 3 feet above finished grade at base of sign.

14 (5) Signs may only be erected a maximum of 15 calendar days prior to the date
15 of the event and 1 calendar day after the conclusion of the event.

16 (6) Signs placed or remaining within the County rights-of-way in violation of
17 these conditions shall be considered abandoned and illegal at the time the sign is placed.

18 **Sec. 23-608. Illegal signs or illegal objects.**

19 (a) Except for signs or objects allowed to be placed without a permit, any sign or object
20 placed in the County right-of-way without a permit shall be deemed abandoned by its owner at
21 the time the sign or object was placed shall be deemed illegal and may be subject to removal by
22 the Department without notice. The cost of removal shall be borne by the owner of the sign or
23 object with a minimum cost of \$50.00 per sign or object removed. Unless rebutted by clear and
24 convincing evidence, any such sign or object shall be presumed to be owned by and attached by
25 the person whose business name, business address, business telephone number, website, email
26 address, trademark or servicemark is contained on the face of the sign or object.

27 (b) Except to the extent permitted by Subtitle 27, Part 12, it shall be unlawful for a person
28 to attach any sign or object to a traffic control device, roadside tree, public utility pole, or any
29 other structure located within the County right-of-way. Unless rebutted by clear and convincing
30 evidence, any such sign or object shall be presumed to be owned by and attached by the person

1 whose business name, business address, business telephone number, website, email address,
2 trademark or servicemark is contained on the face of the sign or object.

3 **Sec. 23-609. Unsafe or illegal signs.**

4 (a) Except as to illegal signs in the public right-of-way whenever the Director of Public
5 Works and Transportation, or a designated representative determines that a sign or object is
6 unsafe or illegal, the Director or designated representative shall (in writing) order that the sign or
7 object be made safe or removed. The order shall be complied with by the person owning or
8 using the sign or object or, in the case of a gateway sign, the Homeowners' Association or other
9 entity responsible for maintenance within fifteen (15) days after the mailing of the order by the
10 Director. In the event of an emergency situation (when there is an immediate danger to public
11 safety), the unsafe sign shall be made safe or removed without any delay or written order.

12 (b) If the unsafe or illegal sign or object is not removed or maintained in accordance with
13 the order, the Director or designated representative may have the sign or object removed. The
14 cost of removal shall be borne by the owner, user, Homeowners' Association, or entity responsible
15 for the sign or object. For purposes of this Division, all illegal signs or objects in the County
16 right-of-way shall be deemed an immediate danger to public safety and may be removed by the
17 Department without any delay or written order. Costs of removal by the Department shall be
18 borne by the person or entity responsible for the sign or object with a minimum cost of \$50.00
19 per sign or object removed. Unless rebutted by clear and convincing evidence, any such sign or
20 object shall be presumed to be owned by and attached by the person whose business name,
21 business address, business telephone number, website, email address, trademark or servicemark
22 is contained on the face of the sign or object.

23 (c) The penalties prescribed in Section 27-265 may be invoked if the sign is not removed
24 or maintained in accordance with the order.

25 (d) The maintenance of an entrance feature, including gateway signs and associated
26 landscaping, shall be the responsibility of a Homeowner's Association or any other entity or
27 person designated in a maintenance arrangement approved by the Department of Public Works
28 and Transportation. Any entrance which has not been maintained in a safe and attractive manner
29 may, for the purpose of this Section, be deemed by the Department of Public Works and
30 Transportation to be an unsafe sign or object.

1 (e) It shall be unlawful for any person to attach any sign or object to any public utility pole
2 or to the exterior of any other public structure. Unless rebutted by competent evidence, any such
3 sign or object shall be presumed to be owned by and attached by the person whose business
4 name, business address, business telephone, website, email address, trademark is contained on
5 the face of the sign or object.

6 **Sec. 23-610. Violations and civil penalties.**

7 (a) If a sign or object is placed or erected in the County right-of-way in violation of any of
8 the requirements of the applicable ordinances existing at the time of its erection or placement, the
9 person who erected or placed the sign or object and the person who is presumed to own the sign
10 or object are subject to a civil fine of one hundred dollars for the first violation, five hundred
11 dollars for the second violation, and one thousand dollars for the third and subsequent violations
12 and shall be liable for all costs incurred by the County to remove such sign or object. The civil
13 fine shall continue to accrue on a daily basis until the sign or object is removed.

14 (b) The County may recover all civil penalties and costs of removal of illegal signs or
15 objects through an action in law.

16 (c) In an action in law to recover civil penalties or cost for the removal of signs or objects
17 in the public rights-of-way, an affidavit by the Director or the Director's designee that describes
18 the illegal sign or object in the public right-of-way, the removal of such sign or object by the
19 Department, the amount of civil penalties, and the costs of removal incurred by the Department
20 shall be deemed prima facie evidence entitling the County to judgment and shall be accorded a
21 strong presumption of correctness and validity, absent clear and convincing evidence to the
22 contrary provided by the defendant.

23 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
24 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
25 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
26 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
27 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
28 Act, since the same would have been enacted without the incorporation in this Act of any such
29 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.
30
31

1 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 9th day of September, 2009.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.