

Prince George's County Council

Agenda Item Summary

Meeting Date: 9/9/2009
Reference No.: CB-024-2009
Draft No.: 2
Proposer(s): Dernoga
Sponsor(s): Dernoga, Olson
Item Title: An Act providing for the regulation and administration of uses within the public rights of way, allowing for the use of the public right-of-way under certain circumstances, providing for a permitting process relating to uses within the public right-of-way, and providing for the enforcement of such regulations

Drafter: Ralph E. Grutzmacher, Legislative Officer
Resource Personnel: Judith U. Thacher, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	6/9/2009	Executive Action:	9/22/2009 S
Committee Referral:	6/9/2009 - THE	Effective Date:	11/9/2009

Committee Action: 6/25/2009 - FAV(A)

Date Introduced: 7/14/2009
Public Hearing: 9/9/2009 - 1:30 PM

Council Action (1) 9/9/2009 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

23-601, 23-602, 23-603, 23-604, 23-605, 23-606, 23-607, 23-608, 23-609, 23-610

COMMITTEE REPORTS:

Transportation, Housing and Environment

Date 6/25/2009

Committee Vote: Favorable as Amended, 3-0 (In favor: Council Members Dernoga, Dean and Harrison).

The Legislative Officer provided an overview of the legislation to regulate the uses of the public right of way, including requiring application for permits to the Department of Public Works and Transportation (DPWT), establishing certain exemptions from permit requirements and providing for enforcement for violation, including civil penalties

DPWT staff provided testimony in support of CB-24-2009.

Representative of the Prince George's County Realtors Association indicated support for the legislation and offered two amendments: (1) to clarify the limits on the number of signs to 25 for multiple properties with a common sales office to an on-site office and (2) to remove authority for any person at anytime to remove and dispose of illegal signs. A representative of the Md. Building Industry Association offered comment on the limits on the number of

signs to 25 for multiple properties with a common sales office and supported the Realtor's recommended clarification.

The Chair read an email by Mr. Boyd Campbell, county realtor, which offered comment on the fine structure (recommending \$100 instead of \$50 fines) and offered an amendment to include website or email address to list of identifying information for a business listed on a sign.

The Committee supported the following amendments: (1) clarifying the limits on the number of signs to 25 for multiple properties with a common sales office to be an on-site office (page 3, line 27), (2) to remove authority for any person at anytime to remove and dispose of illegal signs (page 4, line 5) and (3) to include website or email address to list of identifying information for a business listed on a sign (page 4, line 27 & page 5, line 22).

The Office of Audits and Investigations found that CB-24-2009 may have an initial positive impact on Prince George's County because of a likely increase in County revenues but that a precise estimate on the level of additional revenue was not possible. They also raised the issue of that there was no reference to a permit application fee in the bill.

The Office of Law found the legislation to be in proper legislative form and saw no legal impediments to its adoption.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation places similar regulations concerning signs and other structures and uses from the Zoning Ordinance into the Road Ordinance to provide for control of activities within the public and County Rights of Way by the Director of Public Works and Transportation. The new provisions will enhance the control of activities with the ROW and provide for more predictable and precise regulation.

CODE INDEX TOPICS:

INCLUSION FILES:
