

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

1998 Legislative Session

Bill No. _____ CB-14-1998

Chapter No. _____ 7

Proposed and Presented by _____ The Chairman (by request – Planning Board)

Introduced by _____ Council Members Bailey and Del Giudice

Co-Sponsors _____

Date of Introduction _____ March 3, 1998

ZONING BILL

1 AN ORDINANCE concerning

2 Sign Posting

3 For the purpose of amending the sign posting requirements.

4 BY repealing and reenacting with amendments:

5 Sections 27-150, 27-166, 27-186, 27-206,

6 27-213.12, 27-231, 27-244, 27-305, and

7 27-588,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (1995 Edition, 1996 Supplement).

13 BY adding:

14 Section 27-142.01,

15 The Zoning Ordinance of Prince George's County, Maryland,

16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code

19 (1995 Edition, 1996 Supplement).

20 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-150, 27-166, 27-186, 27-206, 27-213.12, 27-231, 27-244, 27-305, and 27-588 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 2. ZONING MAP AMENDMENTS.

Subdivision 1. Conventional Zones.

Sec. 27-150. Notice.

* * * * *

(b) Posting.

(1) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01. [The sign shall be provided by the Planning Board, and shall have (at least) the following information shown on it:

- (A) The title of "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classifications;
- (D) Total area of the property;
- (E) Date, time, and place of the public hearing; and
- (F) Instructions for obtaining further information regarding the application.

(2) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(3) If the property does not have frontage on an improved street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible from an adjoining property. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall have (at least) the following

information shown on it:

- (A) The title, "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classifications;
- (D) Name of the owner of the subject property;
- (E) Date, time, and place of the public hearing;
- (F) Instructions for obtaining further information regarding the application; and
- (G) A statement that the sign is not on the subject property and that a property having no improved street frontage is the subject of this application.

(4) All signs posted shall be conspicuous and legible for at least sixty (60) days prior to the hearing.

(5) The applicant shall be responsible for reasonable maintenance of all signs. In the event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way during the pendency of and until the date of the hearing, it shall be the responsibility of the applicant to repost the sign.

(6) The person posting the sign shall file a written statement in the record of the case that the required signs were posted on the property and shall include the date of posting. A photograph of each posted sign shall also be submitted and included in the record file for the case.

(7) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

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Subdivision 2. R-P-C Zone.

Sec. 27-166. Notice.

* * * * *

(b) Posting.

(1) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01. [The sign shall be provided by the Planning Board, and shall have (at least) the following information shown on it:

- (A) The title, "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classifications;
- (D) Total area of the property;
- (E) Date, time, and place of the public hearing; and
- (F) Instructions for obtaining further information regarding the application.

(2) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(3) If the property does not have frontage on an improved street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible from an adjoining property. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall have (at least) the following information shown on it:

- (A) The title, "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classifications;
- (D) Name of the owner of the subject property;
- (E) Date, time, and place of the public hearing;
- (F) Instructions for obtaining further information regarding the application; and
- (G) A statement that the sign is not on the subject property and that a property

having no improved street frontage is the subject of this application.

(4) All signs posted shall be conspicuous and legible for at least sixty (60) days prior to the hearing.

(5) The applicant shall be responsible for reasonable maintenance of all signs. In the event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way during the pendency of and until the date of the hearing, it shall be the responsibility of the applicant to repost the sign.

(6) The person posting the sign shall file a written statement in the record of the case

that the required signs were posted on the property and shall include the date of posting. A photograph of each posted sign shall also be submitted and included in the record file for the case.

(7) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

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Subdivision 3. Comprehensive Design Zone.

Sec. 27-186. Notice.

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(b) Posting.

(1) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01. [The sign shall be provided by the Planning Board, and shall have (at least) the following information shown on it:

- (A) The title of "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classifications;
- (D) Total area of the property;
- (E) Date, time, and place of the public hearing; and
- (F) Instructions for obtaining further information regarding the application.

(2) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(3) If the property does not have frontage on an improved street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible from an adjoining property. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall (at least) have the following information shown on it:

- (A) The title, "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classification;
- (D) Name of the owner of the subject property;
- (E) Date, time, and place of the public hearing;
- (F) Instructions for obtaining further information regarding the application; and
- (G) A statement that the sign is not on the subject property and that a property having no improved street frontage is the subject of the application.

(4) When the applicant has elected to submit a Comprehensive Design Plan, or a Comprehensive Design Plan and a Specific Design Plan, for consideration concurrently with the application for Zoning Map Amendment and the Basic Plan, the Planning Board shall post a sign giving adequate notice of the hearing on these Plans. This sign shall be posted in accordance with all of the requirements of this subsection.

(5) All signs posted shall be conspicuous and legible for at least sixty (60) days prior to the hearing.

(6) The applicant shall be responsible for reasonable maintenance of all signs. In the event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way as required, it shall be the responsibility of the applicant to repost the sign.

(7) The person posting the sign shall file a written statement in the record of the case that the required signs were posted on the property and shall include the date of posting. A photograph of each posted sign shall also be submitted and included in the record file for the case.]

(8) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.

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Subdivision 4. M-X-T and M-X-C Zones.

Sec. 27-206. Notice.

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(b) Posting.

- (1) The Planning Board shall post the property with a durable sign at least sixty (60)

1 days prior to the scheduled hearing date. Signs shall be posted in accordance with Section
 2 27-142.01. [The sign shall be provided by the Planning Board, and shall have (at least) the
 3 following information shown on it:

- 4 (A) The title, "Notice of Public Hearing";
- 5 (B) Zoning Map Amendment application number;
- 6 (C) Existing and proposed zoning classifications;
- 7 (D) Total area of the property;
- 8 (E) Date, time, and place of the public hearing; and
- 9 (F) Instructions for obtaining further information regarding the application.

10 (2) If the property has frontage on one (1) or more improved streets, there shall be
 11 one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street.
 12 The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from
 13 the improved portion of the street. When more than one (1) sign is required to be posted along a
 14 street, the signs shall, where practicable, be evenly spaced along the street.

15 (3) If the property does not have frontage on an improved street, then one (1) sign
 16 shall be placed on the property. This sign shall be near the boundary of the property and visible
 17 from an adjoining property. Another sign shall be placed near to, and visible from, the improved
 18 portion of the nearest, most-traveled street. This sign shall have (at least) the following
 19 information shown on it:

- 20 (A) The title, "Notice of Public Hearing";
- 21 (B) Zoning Map Amendment application number;
- 22 (C) Existing and proposed zoning classifications;
- 23 (D) Name of the owner of the subject property;
- 24 (E) Date, time, and place of the public hearing;
- 25 (F) Instructions for obtaining further information regarding the application; and
- 26 (G) A statement that the sign is not on the subject property and that a property
 27 having no improved street frontage is the subject of the application.

28 (4) All signs posted shall be conspicuous and legible for at least sixty (60) days prior
 29 to the hearing.

30 (5) The applicant shall be responsible for reasonable maintenance of all signs. In the
 31 event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way as

required, it shall be the responsibility of the applicant to repost the sign.

(6) The person posting the sign shall file a written statement in the record of the case that the required signs were posted on the property and shall include the date of posting. A photograph of each posted sign shall also be submitted and included in the record file for the case.

(7) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

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Subdivision 6. Chesapeake Bay Critical Area Overlay Zones.

Sec. 27-213.12. Amendment of approved Chesapeake Bay Critical Area Overlay Zones.

* * * * *

(e) Notice of public hearing.

* * * * *

(3) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01. [The sign shall be provided by the Planning Board, and shall have (at least) the following information on it:

- (A) The title, "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classifications (both overlay and underlying);
- (D) Total area of the property;
- (E) Date, time, and place of the public hearing; and
- (F) Instructions for obtaining further information regarding the application.

(4) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign shall be posted on the property near the street right-of-way, so that it is visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(5) If the property does not have frontage on an improved street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible

from an adjoining property. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall have (at least) the following information shown on it:

- (A) The title, "Notice of Public Hearing";
- (B) Zoning Map Amendment application number;
- (C) Existing and proposed zoning classifications (both overlay and underlying);
- (D) Name of the owner of the subject property;
- (E) Date, time, and place of the public hearing;
- (F) Instructions for obtaining further information regarding the application; and
- (G) A statement that the sign is not on the subject property and that a property

having no improved street frontage is the subject of this application.

(6) All signs shall be posted so as to be conspicuous and legible for at least sixty (60) days prior to the hearing.

(7) The applicant shall be responsible for reasonable maintenance of all signs. In the event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way during the pendency of and until the date of the hearing, it shall be the responsibility of the applicant to repost the sign.

(8) The person posting the sign shall file a written statement in the record of the case that the required signs were posted on the property and shall include the date of posting. A photograph of each posted sign shall also be submitted and included in the record file for the case.

(9) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

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DIVISION 5. APPEALS AND VARIANCES.

Subdivision 1. Board of Zoning Appeals.

Sec. 27-231. Procedures.

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(d) **Notice of public hearing.**

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(7) When the subject property is not in a Residential Zone, the appellant shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date. The sign shall be provided by the Board of Zoning Appeals[,] and posted in accordance with Section 27-142.01. [shall include the following information:

- (A) The title "Notice of Public Hearing";
- (B) The name of the appellant;
- (C) Total area of the property;
- (D) A brief statement describing the nature of the appeal;
- (E) Date, time and place of the public hearing; and
- (F) Instructions for obtaining further information regarding the appeal.

(8) There shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each improved street. The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(9) If the property does not have frontage on an improved street, one (1) sign shall be placed near to, and visible from, the improved portion of the nearest, most traveled street. In addition to the required information, this sign shall state that the sign is not on the subject property, and that a property having no improved street frontage is the subject of this appeal.]

[(10)](8) All signs posted shall be conspicuous and legible for at least fifteen (15) days prior to the hearing.

[(11)](9) The appellant shall file an affidavit with the Board of Zoning Appeals stating that the required sign(s) was posted on the property in accordance with the procedures of this subsection, and that the sign remained on the property for the fifteen (15) consecutive days preceding the hearing.

[(12)](10) Notices of variance requests from Chesapeake Bay Critical Area Overlay Zone requirements concerning property within the Chesapeake Bay Critical Area Overlay Zones shall be sent to the Chesapeake Bay Critical Area Commission, the Department of Environmental Resources, and the Planning Board (or its authorized representative) within five (5) days of filing with the Board of Zoning Appeals.

[(13)](11) Notices of variance requests concerning requirements applicable to cluster

developments provided for in Section 27-229(b)(27) shall be sent to the Development Review Division of the Planning Department for review and comment within five (5) days of filing with the Board of Zoning Appeals.

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DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES.

Subdivision 1. General Requirements and Procedures.

Sec. 27-244. Certification.

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(f) Planning Board review.

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(4) Notice of public hearing.

(A) Upon receipt of an application, and at least thirty (30) days prior to the scheduled hearing date, the Planning Board shall post the property with a durable sign. Signs shall be posted in accordance with Section 27-142.01. [The sign shall be provided by the Planning Board and shall have (at least) the following information shown on it:

(i) The title, "Notice of Public Hearing";

(ii) Nature of the nonconforming use for which certification and a use and occupancy permit is requested;

(iii) The date, time, and place of the public hearing; and

(iv) Instructions for obtaining additional information.

(B) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign shall be posted on the property near the street right-of-way so that it is legible from the improved portion of the street.

(C) If the property does not have frontage on an improved street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible from the adjoining property. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most traveled public street. In addition to the information required in subparagraph (M) above, this sign shall have (at least) the following information shown on it:

(D) All signs shall be posted in a manner so as to be conspicuous and legible.

(i) Name of the owner of the subject property; and

(ii) A statement that it is not on the subject property and that a property having no improved street frontage is the subject of this application.

(E) The applicant shall be responsible for reasonable maintenance of the signs.

(F) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

[(G)](B) At least seven (7) calendar days prior to the public hearing, the Planning Board shall send written notice of the date, time, and place of the hearing to the applicant and to all persons of record.

* * * * *

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 3. Notice.

Sec. 27-305. Posting.

(a) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01. [The sign shall be provided by the Planning Board, and shall have (at least) the following information shown on it:

- (1) The title, "Notice of Public Hearing";
- (2) Special Exception application number;
- (3) Proposed use;
- (4) Date, time, and place of the public hearing; and
- (5) Instructions for obtaining further information regarding the application.

(b) In the case of applications which are not for public utility power transmission line rights-of-way, towers, poles, conduits, pipelines, or similar facilities:

(1) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The signs(s) shall be posted on the property near the street right-of-way, so as to be visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(2) If the property does not have frontage on an improved street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible from an adjoining property. Another sign shall be placed near to, and be visible from, the improved portion of the nearest, most-traveled street. In addition to the information required in Subsection (a), above, this sign shall have (at least) the following information shown on it:

(A) Name of the owner of the subject property; and

(B) A statement that the sign is not on the subject property and that a property having no improved street frontage is the subject of this application.

(c) In the case of applications for public utility power transmission line rights-of-way, towers, poles, conduits, pipelines, or similar facilities, the properties which are the subject of the project shall be posted with a sign at each point where they intersect an improved street.

(d) All signs posted shall be conspicuous and legible for at least sixty (60) days prior to the hearing.

(e) The applicant shall be responsible for reasonable maintenance of all signs. In the event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way as required, it shall be the responsibility of the applicant to repost the sign.

(f) The person posting the sign shall file a written statement in the record of the case that the required signs were posted on the property and shall include the date of posting. A photograph of each posted sign shall also be submitted and included in the record file for the case.

(g) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

[(h)](b) Informational mailing.

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PART 11. OFF-STREET PARKING AND LOADING.

DIVISION 4. EXCLUSIONS, WAIVERS, AND DEPARTURES.

Sec. 27-588. Departures from number of parking and loading spaces required.

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(b) Procedures.

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(4) **Notice.**

* * * * *

(B) **Posting.**

(i) The Planning Board shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01. [The sign shall be provided by the Planning Board, who shall determine the contents of the sign.

(ii) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign shall be posted on the property near the street right-of-way so that it is visible from the improved portion of the street.

(iii) If the property does not have frontage on an improved street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible from an adjoining property. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street.

(iv) All signs shall be posted as to be conspicuous and legible.

(v) The applicant shall be responsible for reasonable maintenance of all signs.

(vi) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

* * * * *

SECTION 2. BE IT FURTHER ENACTED that Section 27-142.01 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

Subdivision 6. Sign Posting.

Sec.27-142.01. Signs.

(a) Posting.

1 (1) The sign shall be provided by the Planning Board, or Board of Appeals where
 2 applicable, and shall have (at least) the following information shown on it:

3 (A) The title of "Hearing";

4 (B) The type of application;

5 (C) The application number;

6 (D) The request;

7 (E) Date, time, and place of the public hearing;

8 (F) A phone number for additional information.

9 (2) If the property has frontage on one (1) or more improved streets, there shall be
 10 one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street.
 11 The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from
 12 the improved portion of the street. When more than one (1) sign is required to be posted along a
 13 street, the signs shall, where practicable, be evenly spaced along the street.

14 (3) If the property does not have frontage on an improved public street, then one (1)
 15 sign shall be placed on the property. This sign shall be near the boundary of the property and
 16 visible from an adjoining property. Another sign shall be placed near to, and visible from, the
 17 improved portion of the nearest, most-traveled street. This sign shall indicate it is not on the
 18 subject property.

19 (4) All signs posted shall be conspicuous and legible for the length of the required
 20 advertising period. The Planning Board may establish more specific sign posting standards, if
 21 necessary.

22 (5) The applicant shall be responsible for reasonable maintenance of all signs. In the
 23 event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way
 24 during the pendency of and until the date of the hearing, it shall be the responsibility of the
 25 applicant to repost the sign.

26 (6) The person posting the sign shall file a written statement in the record of posting.
 27 A photograph of each posted sign shall also be submitted and included in the record file for the
 28 case. The applicant shall inspect the sign at least one time a week during the advertising period
 29 to ensure that required signs are maintained.

30 (7) Any unauthorized person removing, destroying, defacing, obstructing, or
 31 otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties

1 provided by law.

2 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
3 (45) calendar days after its adoption.

Adopted this 31st day of March, 1998.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART
OF THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.