



March 26, 2025

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Alex Hirtle 
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement
CB-015-2025 Clean Curb Act

CB-015-2025 (*proposed by: Council Member Olson*)

Assigned to the Transportation, Infrastructure, Energy and Environment (TIEE) Committee

AN ACT CONCERNING CLEAN CURBS for the purpose of providing that it is unlawful for the use of any County road, street, highway, or public right of way by leaving cones and objects thereon; authorizing certain County agencies to remove cones and other objects on any County road, street, highway, or public right of way; providing for a certain exclusion; and generally relating to the prohibition on leaving cones and other objects on any County road, street, highway, or public right of way.

Fiscal Summary

Direct Impact:

Expenditures: Probable modest additional expenditures.

Revenues: No foreseen increase in revenues.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CB-015-2025 was presented on February 18th and referred to the Transportation, Infrastructure, Energy and Environment (TIEE) Committee. The proposed legislation prohibits the use of any County road, street, highway, or public right of way by leaving cones and objects thereon. The Bill authorizes the Revenue Authority; Department of Public Works & Transportation DPW&T; the Department of Permitting, Inspections, and Enforcement (DPIE); and the County Police Department to remove cones and objects on any County road, street, highway, or public right. This removal shall not apply to an official use by a governmental entity, or use by a public utility.

Current Law/Background:

References to what CB-015-2025 aims to achieve are already in the County Code. Sec. 23-151(a) prohibits the deposit of “any other matter” in a road right-of-way, with a \$1,000 fine for each violation; Sec. 23-602 (a) (9) prohibits placing signs and “objects” in a municipal, county, or state street right-of-way; Sec. 23-608 (a) states that “any object” placed in the County right-of-way without a permit may be removed by the Department (Permitting, Inspections, & Enforcement) without notice. The cost of the removal shall be borne by the owner of the object with a minimum cost of \$50 per object; Sec. 23-610 codifies that the person who erects (the sign or object) as well as the person who owns the sign or object as defined, are subject to a fine for each new violation for \$100, \$500 for the second violation, and \$1,000 for the third and subsequent violations, as well as the liability for cost of removal.

Several of the above sections may be in reaction to the prolific challenge the County has had in private signs being posted on utility poles and placed along street and road rights-of-way. The noted sections above include the word “object(s),” which could denote cones and other devices that are used to block or save parking areas and/or for other reasons. The current Code only denotes the Department of Permitting, Inspections, and Enforcement as the agency authorized to remove these signs or objects.

It should also be noted that the Sponsor’s staff indicated that the County’s neighboring jurisdiction, Montgomery County, provides for regular sweeps within communities to clear traffic cones and other similar objects placed in the rights-of-way by residents.

Resource Personnel:

- Kathy Canning, Legislative Officer
 - Julio Murillo, Chief of Staff (District 3)
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Discussion/Policy Analysis:

Staff from the Bill's sponsor has indicated that the placing of traffic cones in public streets, roads, and rights-of-way has been an increasing issue. Residents appear to be "reserving" parking spaces adjacent to their property through the use of cones and other highly visible objects, to ensure a parking space for themselves or other members of their dwelling.

As noted earlier, the County Code contains several provisions in Subtitle 23 (Roads and Sidewalks) prohibiting "objects" in the public right-of-way, which includes streets and roadways. Two different Divisions, including required removal of debris from...roadway and uses within the County right-of-way state the disallowing of objects in the street, and the appropriate fines thereof. The proposed legislation places its text in Subtitle 26, Vehicles and Traffic, which appears to make this legislation an issue of safety. The Bill expands the authority to remove cones and objects to the County Police Department, the Revenue Authority, and DPW&T. The legislation does not contain any fines for violations.

The placing of similar prohibitions within different Subtitles of the County Code may cause confusion to staff members of various agencies listed to execute the enforcement. Additionally, given the sections already in place call for fines with a violation, this Bill, having no fines listed, may further distort enforcement and its follow-up. Although there may be difficulty in identifying the owner of the cones/objects placed in the right-of-way, Sec. 23-151 calls for the prevention of such by the owner adjacent to the violation; additionally, Sec. 608 assumes the objects in the right-of-way are owned by the adjacent property owner, unless "rebutted by clear and convincing evidence".

Finally, it may be prudent for the Council to research the causes of why residents are reserving areas on the streets for parking: is it an issue of multiple families in a single household, multiple vehicles owned by a resident, or on-street areas once used for public parking are now absorbed by the County for other uses? The County does have provisions for communities to set into place a permit parking program- this may be one tool to help alleviate the issue this legislation serves to address.¹

Fiscal Impact:

- *Direct Impact*

Enactment of CB-015-2025 will possibly have an adverse fiscal impact on the County. The increased demands this Bill will have on the noted departments may require additional staff or hours within those agencies for staff to carry out the legislation's provisions, which may have been re-directed from other duties. As of this report's writing, none of the agencies contacted had provided the data requested for the fiscal impact of CB-015-2025.

- *Indirect Impact*

¹ County Code, Sec. 25, Division 9

Enactment of CB-015-2025 should have a favorable indirect impact on the County by increasing street and traffic safety and the quality of life within neighborhoods by reducing and possibly eliminating unsightly cones and traffic devices on public streets and rights-of-way.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.