

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session**

Bill No. CB-61-2016

Chapter No. 38A

Proposed and Presented by Council Member Taveras

Introduced by Council Members Taveras, Turner, Glaros and Patterson

Co-Sponsors _____

Date of Introduction October 4, 2016

ZONING BILL

1 AN ORDINANCE concerning

2 Illegal Signs

3 For the purpose of referencing certain prescribed penalties; prohibiting certain signs; providing
4 for certain locations of certain signs; providing for certain violations; and generally regarding
5 illegal signs.

6 BY repealing and reenacting without amendments:

7 Sections 27-593, and 27-607,

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 (2015 Edition).

13 BY repealing and reenacting with amendments:

14 Sections 27-609, and 27-610,

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 (2015 Edition).

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

1 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
2 District in Prince George's County, Maryland, that Sections 27-593 and 27-607 of the Zoning
3 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
4 County Code, be and the same are hereby repealed and reenacted without amendments:

5 **PART 12. SIGNS.**

6 **DIVISION 1. GENERAL.**

7 **Sec. 27-593. Prohibited signs.**

8 (a) The following signs are prohibited:

- 9 (1) Any sign not expressly permitted in this Subtitle;
- 10 (2) Any sign no longer advertising a business on the premises, or advertising products
11 no longer stocked or sold, except as otherwise permitted within Section 27-624.02. These signs
12 shall be removed within thirty (30) days of the date the business or sale of the products ceases;
- 13 (3) Pennants, pinwheels, feather flags and similar circus- or carnival-type attractors
14 which are visible from a street or from residential property;
- 15 (4) Signs which obstruct any opening intended to provide ingress or egress for any
16 building or structure;
- 17 (5) Signs which obstruct the view of traffic control devices;
- 18 (6) Signs which, because of their shape, color, or wording, may be confused with any
19 traffic control device (placed by a public authority), or which may mislead motorists;
- 20 (7) Signs which are not clean, legible, or in a state of good repair;
- 21 (8) Signs or sign structures that are no longer in use, effaced, or otherwise obsolete;
- 22 (9) Signs which are illegal under State or Federal regulations;
- 23 (10) Signs which are not consistent with the provisions of this Subtitle;
- 24 (11) Signs which are placed on a municipal, County, or State street right-of-way,
25 except those of, or authorized by, public authorities or agencies, unless specifically authorized
26 elsewhere in this Part;
- 27 (12) Signs projecting from the structural housing of a gasoline pump, service
28 appliance, or vending machine; and
- 29 (13) Outdoor advertising signs (billboards).

30 **DIVISION 2. ADMINISTRATION.**

31 **SUBDIVISION 2. NONCONFORMING USE SIGNS AND NONCONFORMING SIGNS.**

1 **Sec. 27-607. Illegal signs.**

2 (a) An illegal sign is a sign which:

3 (1) Does not conform to the current provisions of this Part; and

4 (2) Was erected or maintained in violation of the applicable requirements of
5 previously existing ordinances.

6 (b) These signs shall be removed, or made to conform to the current requirements of this
7 Part by the owner or user of the sign or by the owner of the premises upon which it is located.

8 Signs for which the District Council has validated a permit issued in error (Section 27-258) shall
9 not be subject to this requirement.

10 SECTION 2. BE IT FURTHER ENACTED that Sections 27-609, and 27-610 of the Prince
11 George’s County Code be and the same are hereby repealed and reenacted with the following
12 amendments:

13 **PART 3. ADMINISTRATION.**

14 **DIVISION 8. ENFORCEMENT.**

15 **Sec. 27-265. Penalties.**

16 (a) Any person may be liable for a civil fine (provided for in Subtitle 28 of the Code) or be
17 prosecuted for a misdemeanor if he:

18 (1) Erects, maintains, or uses any structure or land in violation of any portion of the
19 Zoning Ordinance;

20 (2) Violates any order issued in accordance with this Subtitle; or

21 (3) Fails to erect structures or use land in accordance with the provisions of this
22 Subtitle.

23 (b) If a person is convicted of a misdemeanor, the violator shall be subject to a criminal
24 fine of Five Hundred Dollars (\$500.00) or up to ninety (90) days imprisonment, or both, in the
25 discretion of the Court. The application of the penalty shall not preclude abatement of the
26 violation through appropriate proceedings in equity.

27 (c) If the violation is of a continuing nature, each and every day during which the violation
28 continues is a separate violation. Each violation issued within a thirty-six (36) month period from
29 the first violation to the same person will be considered a violation of a continuing nature.

30 * * * * *

31 **PART 12. SIGNS.**

1 **DIVISION 2. ADMINISTRATION.**

2 **SUBDIVISION 2. NONCONFORMING USE SIGNS AND NONCONFORMING SIGNS.**

3 **Sec. 27-609. Maintenance and removal of unsafe or illegal signs.**

4 (a) Whenever the Director of the Department of Permitting, Inspections, and Enforcement,
5 or a designated representative determines that a sign or poster is unsafe or illegal, the Director of
6 the Department of Permitting, Inspections, and Enforcement or designated representative shall
7 (in writing) order that the sign be made safe or removed. The order shall be complied with by the
8 person owning or using the sign or, in the case of a gateway sign, the Homeowners' Association
9 or other entity responsible for maintenance within five (5) days after the person, Homeowners'
10 Association, or entity receives the order. In the event of an emergency situation (when there is an
11 immediate danger to public safety), the unsafe sign shall be made safe or removed without any
12 delay or written order.

13 (b) If the unsafe or illegal sign is not removed or maintained in accordance with the order,
14 the Director of the Department of Permitting, Inspections, and Enforcement or designated
15 representative shall have the sign removed. Removal shall be referred to the Department of
16 Public Works and Transportation. The cost of removal shall be borne by the owner, user,
17 Homeowners' Association, or entity responsible for the sign. For purposes of this Subtitle, all
18 illegal signs in the County right-of-way shall be deemed an immediate danger to public safety
19 and may be removed without any delay or written order. Any costs of removal shall be borne by
20 the person or entity responsible for the sign.

21 (c) The penalties prescribed in Section 27-265 of this Subtitle and in Section 28-111(c) of
22 this Code may be invoked if the sign is not removed or maintained in accordance with the order.

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

29 (e) It shall be unlawful for any unauthorized person to attach any illegal sign or illegal
30 poster to any public utility pole, or to the exterior of any other public structure, posts, signs, or
31 telephone/electrical boxes, or, with the exception of those permitted under Section 27-602, to
32 place an illegal sign or illegal poster in the County right-of- way. Unless rebutted by competent

1 evidence, any such sign or poster shall be presumed to be owned by and attached by the person
2 whose business name, business address, business telephone, or trademark is contained on the
3 face of the sign or poster.

4 **Sec. 27-610. - Violations.**

5 (a) If a sign violates any of the requirements of the applicable ordinances existing at the
6 time of its erection, the Director of Permitting, Inspections, and Enforcement, the Director of
7 Public Works and Transportation, or a designated representative of either shall order (in writing)
8 that the sign be removed or made to conform to the requirements of this Part. The order shall be
9 complied with by the owner or user of the sign within fifteen (15) days [(or a different time
10 period of so stated in the order)].

11 (b) If the order is not complied with, the Director or designated representative may have
12 the sign removed. The cost of removal shall be borne by the owner or user of the sign.

13 (c) The penalties prescribed in Section 27-265 of this Subtitle and in Section 28-111(c) of
14 this Code may be invoked if the order is not complied with.

15 * * * * *

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

Adopted this 1st day of November , 2016.

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: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council