

HOUSE BILL 410

L2, L5, L3
HB 1570/17 – ENV

8lr0773

By: **Prince George’s County Delegation and Montgomery County Delegation**

Introduced and read first time: January 24, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Maryland–Washington Regional District – Prince George’s County – Municipal**
3 **Authority**

4 **PG/MC 108–18**

5 FOR the purpose of updating an obsolete reference regarding certain concurrent
6 jurisdiction pertaining to signs in municipal corporations and Prince George’s
7 County; repealing certain provisions of law authorizing a municipal corporation in
8 Prince George’s County to enact certain local laws regulating fences; repealing
9 certain provisions of law prohibiting the enactment of a local law that is not less
10 restrictive than certain local laws; correcting a certain reference to the
11 Maryland–Washington Regional District; authorizing the legislative body of a
12 municipal corporation in Prince George’s County to authorize the erection of a fence
13 that exceeds certain height restrictions or limitations under certain circumstances;
14 and generally relating to the authority of municipal corporations in Prince George’s
15 County.

16 BY repealing and reenacting, with amendments,

17 Article – Land Use

18 Section 22–203 and 25–303

19 Annotated Code of Maryland

20 (2012 Volume and 2017 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Land Use

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 25–101
 2 Annotated Code of Maryland
 3 (2012 Volume and 2017 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 5 That the Laws of Maryland read as follows:

6 **Article – Land Use**

7 22–203.

8 [(a)] A municipal corporation in Prince George’s County shall have concurrent
 9 authority in its boundaries with the county ~~Department of~~ [Environmental Resources,
 10 Licenses and Inspections Group] ~~PERMITTING, INSPECTION AND ENFORCEMENT~~
 11 DEPARTMENT RESPONSIBLE FOR ISSUING PERMITS, to seek compliance with zoning
 12 requirements to the extent that the requirements pertain to signs.

13 [(b)] A municipal corporation in Prince George’s County may enact local laws
 14 regulating fences erected in front of the building setback lines on all residential property
 15 located in the municipal corporation.

16 (c) Any local law enacted under this section may not be less restrictive than any
 17 local law in effect or subsequently enacted by the county council.]

18 25–101.

19 This title applies only in Prince George’s County.

20 25–303.

21 (a) This section applies to land in a municipal corporation that is in the
 22 [metropolitan] **REGIONAL** district and is:

23 (1) zoned for residential or commercial use; or

24 (2) adjacent to residential or commercial zones.

25 (b) (1) Notwithstanding any other law, and for the purpose of preserving,
 26 improving, or protecting the general character and design of lands and improvements in a
 27 municipal corporation, the legislative body of the municipal corporation, by local law, may
 28 impose stricter or additional conditions, restrictions, or limitations than are otherwise
 29 required by State, regional, or county zoning laws or agencies exercising zoning and
 30 planning jurisdiction over the municipal corporation.

31 (2) The stricter or additional conditions, restrictions, or limitations may
 32 apply only to:

- 1 (i) fences;
- 2 (ii) residential parking; and
- 3 (iii) residential storage.

4 (c) ~~THE~~ NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATIVE BODY OF
 5 A MUNICIPAL CORPORATION, BY LOCAL LAW, MAY AUTHORIZE THE ERECTION OF A
 6 FENCE THAT EXCEEDS THE HEIGHT RESTRICTIONS OR LIMITATIONS OTHERWISE
 7 REQUIRED BY STATE, REGIONAL, OR COUNTY ZONING LAWS OR AGENCIES
 8 EXERCISING ZONING AND PLANNING JURISDICTION OVER THE MUNICIPAL
 9 CORPORATION.

10 (D) The legislative body of a municipal corporation may not enact a local law
 11 under this section without holding a public hearing on all issues.

12 [(d)] (E) A municipal corporation that enacts a zoning law in accordance with
 13 this section shall deliver a certified copy of the local law to the district council within 5 days
 14 after the enactment and at least 30 days before the effective date of the local law.

15 [(e)] (F) (1) If the district council does not approve the local law before the
 16 effective date of the local law, the local law shall be considered disapproved and may not
 17 take effect.

18 (2) The local law may not take effect unless approved by the district
 19 council.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.