

HOUSE BILL 359

R1

2lr1016

By: **Delegate Holmes**

Introduced and read first time: January 30, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Temporary Advertising Signs on State Highways**
3 **Authorized**

4 FOR the purpose of authorizing a person to place or maintain temporary advertising
5 signs that meet certain requirements on a State highway under certain
6 circumstances; providing that certain provisions of law regulating the
7 placement and maintenance of outdoor signs in certain locations do not apply to
8 a sign placed in accordance with this Act; making stylistic changes; and
9 generally relating to temporary advertising signs on certain highways.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 8–605 and 8–714
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2011 Supplement)

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

17 **Article – Transportation**

18 8–605.

19 (a) Along any State highway, the Administration may place signs, signals, or
20 markers to inform the traveling public of directions, distances, danger, or other
21 information.

22 (b) (1) Except as provided in paragraph (2) of this subsection, the
23 Administration shall assume the full cost of installing and maintaining traffic signals
24 required at the intersection of a State highway with any municipal street or highway

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or at any other place along a State highway that is within the limits of any municipal
2 corporation.

3 (2) This subsection does not apply where the traffic signal primarily
4 will serve traffic generated by a private development, such as an apartment complex,
5 shopping center, industrial plant, or drive-in theater.

6 (c) Signs, signals, and markers placed along any interstate highway shall
7 conform to all applicable federal standards.

8 (d) (1) For the purpose of providing information to the driving public on
9 the availability of gas, food, lodging, camping, or attractions, the Administration may
10 place along State controlled access highways specific service signs, subject to the
11 applicable federal standards.

12 (2) (i) The Administration shall adopt regulations governing
13 specific service signs.

14 (ii) The regulations shall conform to all applicable federal
15 standards, and shall govern the type, lighting, size, number, and location of specific
16 service signs.

17 (iii) The Administration shall consult with:

18 1. The Maryland Travel Council prior to drafting
19 regulations; and

20 2. The Department of Business and Economic
21 Development and the appropriate local government officials concerning the placement
22 of specific service signs under this subsection.

23 (3) The business or attraction identified in a specific service sign shall
24 pay for the full administrative and operational cost of procurement, installation, and
25 maintenance of the sign.

26 (e) Any person who removes, damages, or defaces any sign, signal, or marker
27 placed under this section is guilty of a misdemeanor and on conviction is subject to a
28 fine not exceeding \$100.

29 (f) (1) **THIS SUBSECTION DOES NOT APPLY TO:**

30 (i) **A SIGN PLACED OR MAINTAINED BY THE**
31 **ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION; OR**

1 **(II) A TEMPORARY ADVERTISING SIGN PLACED OR**
2 **MAINTAINED BY A PERSON UNDER A PERMIT OBTAINED IN ACCORDANCE WITH**
3 **SUBSECTION (G) OF THIS SECTION.**

4 **[(1)] (2)** [Except for a sign placed or maintained by the
5 Administration or with the authorization of the Administration, a] **A person SUBJECT**
6 **TO THIS SECTION** may not place or maintain a sign or direct, consent to, or approve
7 the placement or maintenance of a sign, within a State highway right-of-way.

8 **[(2)] (3)** (i) Without resort to legal proceedings, a sign placed or
9 maintained in violation of this subsection may be removed and destroyed by the
10 Administration, a law enforcement officer, or the government of the county or
11 municipal corporation in which the sign was located.

12 (ii) The Administration or the government of the county or
13 municipal corporation that removed or destroyed the sign may, if the sign is a
14 commercial sign:

15 1. Collect the civil penalty provided for under paragraph
16 **[(3)] (4)** of this subsection from the person that placed or maintained the commercial
17 sign; and

18 2. Seek an injunction against further violations of this
19 subsection in a civil action in the District Court.

20 **[(3)] (4)** (i) A person that places or maintains a commercial sign
21 within the right-of-way of a State highway in violation of this subsection is subject to
22 a civil penalty not exceeding \$25 per commercial sign, which, if not paid after being
23 cited and assessed by the Administration, county, or municipal corporation, may be
24 recovered in a civil action in the District Court by the Administration or by the county
25 or municipal corporation in which the commercial sign was located.

26 (ii) As to a county or a municipal corporation in which the
27 commercial sign was located, the civil action in the District Court may be brought by
28 the county attorney or, if the commercial sign was located in a municipal corporation,
29 the municipal corporation attorney.

30 (iii) The Administration, a county, or a municipal corporation:

31 1. May enforce this subsection only by the issuance of a
32 warning for the first 3 months after initiating a sign removal program; and

33 2. Shall enforce this subsection on a viewpoint and
34 content neutral basis.

1 **[(4)] (5)** For the purposes of enforcing this subsection, the presence of
2 a sign within a State highway right-of-way shall be evidence that the sign was placed
3 or maintained at the direction of, or with the consent and approval of, the person or
4 the person's agent or representative in the State whose name, business, location, or
5 product representation is displayed on the sign.

6 **[(5)] (6)** The Administration, a county, or a municipal corporation
7 shall retain any civil penalties that it collects under this subsection.

8 **(G) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION, A PERSON**
9 **MAY PLACE OR MAINTAIN A TEMPORARY ADVERTISING SIGN ON A STATE**
10 **HIGHWAY PROVIDED:**

11 **(1) THE SIGN DOES NOT EXCEED 3 SQUARE FEET IN AREA;**

12 **(2) THE SIGN IS DISPLAYED IN THE STATE HIGHWAY**
13 **RIGHT-OF-WAY ONLY BETWEEN THE HOURS OF 4:00 P.M. FRIDAY AND NOON ON**
14 **THE FOLLOWING MONDAY, OR IF THAT MONDAY IS A HOLIDAY, FOR AN**
15 **ADDITIONAL 24 HOURS UNTIL NOON ON THE FOLLOWING TUESDAY;**

16 **(3) THE SIGN IS PLACED IN A MANNER THAT DOES NOT**
17 **CONSTITUTE A HAZARD TO TRAFFIC; AND**

18 **(4) THE PERSON RESPONSIBLE FOR PLACING OR MAINTAINING**
19 **THE SIGN OBTAINS A PERMIT FOR THE SIGN FROM THE ADMINISTRATION OR**
20 **THE LOCAL OFFICE DESIGNATED BY THE ADMINISTRATION TO ISSUE PERMITS**
21 **FOR SIGNS IN THE COUNTY WHERE THE SIGN IS TO BE PLACED OR MAINTAINED.**

22 8-714.

23 (a) **[Whether] EXCEPT AS PROVIDED IN § 8-605(G) OF THIS TITLE,**
24 **WHETHER** or not the person must be licensed under Part II of this subtitle, a person
25 may not erect or maintain any outdoor sign outside the limits of any municipal
26 corporation and within 500 feet of a State highway, unless the person has a permit
27 issued by the Administration for that sign.

28 (b) A permit is not required under this section to erect or maintain any
29 outdoor sign:

30 (1) That is used only to advertise the sale or lease of the property on
31 which it is located;

32 (2) That is on or within 100 feet of any building or the entrance to any
33 building in which the business advertised is carried on;

1 (3) That is used only to advertise:

2 (i) A Maryland historic shrine or institution; or

3 (ii) A county or church fair held in this State;

4 (4) That:

5 (I) [advertises] **ADVERTISES** a candidate or the support or
6 defeat of any proposition[. This sign:]; **AND**

7 [(i)] (II) 1. [Shall comply] **COMPLIES** with all provisions
8 of the Election Law Article;

9 [(ii)] 2. [Shall comply] **COMPLIES** with public safety
10 requirements as set forth in § 8–716 of this subtitle;

11 [(iii)] 3. [Shall conform] **CONFORMS** to all local restrictions
12 and zoning requirements [which] **THAT** are more restrictive than this section; and

13 [(iv)] 4. [Shall conform] **CONFORMS** to the restrictions and
14 requirements of Parts IV and V of this subtitle; or

15 (5) That:

16 (I) [is] **IS** only a temporary outdoor sign that advertises the
17 sale in season of fresh produce on property that adjoins a State highway by a person
18 who has grown the fresh produce and who owns, rents, or has permission to sell on the
19 property[. This sign:]; **AND**

20 [(i)] (II) 1. [Shall comply] **COMPLIES** with public safety
21 requirements as set forth in § 8–716 of this subtitle;

22 [(ii)] 2. [Shall conform] **CONFORMS** to all local restrictions
23 and zoning requirements that are more restrictive than this section, including any
24 applicable time limitation;

25 [(iii)] 3. [Shall conform] **CONFORMS** to the restrictions and
26 requirements of Parts IV and V of this subtitle; and

27 [(iv)] 4. [Shall be] **IS** removed or covered when produce is no
28 longer for sale.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2012.