

SENATE BILL 326

R1

3lr2182
CF 3lr1232

By: **Senator Glassman**

Introduced and read first time: January 23, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Advertising Signs on State Highways for Agricultural**
3 **Businesses Authorized**

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

10 BY repealing and reenacting, without amendments,
11 Article – Land Use
12 Section 4–102
13 Annotated Code of Maryland
14 (2012 Volume)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 8–605 and 8–714
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2012 Supplement)

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

22 **Article – Land Use**

23 4–102.

24 To promote the health, safety, and general welfare of the community, a
25 legislative body may regulate:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) The Administration shall consult with:

2 1. The Maryland Travel Council prior to drafting
3 regulations; and

4 2. The Department of Business and Economic
5 Development and the appropriate local government officials concerning the placement
6 of specific service signs under this subsection.

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

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

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

14 **(I) A SIGN PLACED OR MAINTAINED BY THE**
15 **ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION; OR**

16 **(II) AN ADVERTISING SIGN PLACED OR MAINTAINED BY A**
17 **PERSON UNDER A PERMIT OBTAINED IN ACCORDANCE WITH SUBSECTION (G) OF**
18 **THIS SECTION.**

19 **[(1)] (2) [Except for a sign placed or maintained by the**
20 **Administration or with the authorization of the Administration, a] A person SUBJECT**
21 **TO THIS SECTION** may not place or maintain a sign or direct, consent to, or approve
22 the placement or maintenance of a sign, within a State highway right-of-way.

23 **[(2)] (3) (i)** Without resort to legal proceedings, a sign placed or
24 maintained in violation of this subsection may be removed and destroyed by the
25 Administration, a law enforcement officer, or the government of the county or
26 municipal corporation in which the sign was located.

27 **(ii)** The Administration or the government of the county or
28 municipal corporation that removed or destroyed the sign may, if the sign is a
29 commercial sign:

30 1. Collect the civil penalty provided for under paragraph
31 **[(3)] (4)** of this subsection from the person that placed or maintained the commercial
32 sign; and

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

1 **[(3)] (4)** (i) A person that places or maintains a commercial sign
 2 within the right-of-way of a State highway in violation of this subsection is subject to
 3 a civil penalty not exceeding \$25 per commercial sign, which, if not paid after being
 4 cited and assessed by the Administration, county, or municipal corporation, may be
 5 recovered in a civil action in the District Court by the Administration or by the county
 6 or municipal corporation in which the commercial sign was located.

7 (ii) As to a county or a municipal corporation in which the
 8 commercial sign was located, the civil action in the District Court may be brought by
 9 the county attorney or, if the commercial sign was located in a municipal corporation,
 10 the municipal corporation attorney.

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

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

14 2. Shall enforce this subsection on a viewpoint and
 15 content neutral basis.

16 **[(4)] (5)** For the purposes of enforcing this subsection, the presence of
 17 a sign within a State highway right-of-way shall be evidence that the sign was placed
 18 or maintained at the direction of, or with the consent and approval of, the person or
 19 the person's agent or representative in the State whose name, business, location, or
 20 product representation is displayed on the sign.

21 **[(5)] (6)** The Administration, a county, or a municipal corporation
 22 shall retain any civil penalties that it collects under this subsection.

23 **(G) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION, A PERSON**
 24 **MAY PLACE OR MAINTAIN AN ADVERTISING SIGN ON A STATE HIGHWAY**
 25 **PROVIDED:**

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

27 **(2) THE SIGN IS PLACED IN THE STATE HIGHWAY RIGHT-OF-WAY**
 28 **TO ADVERTISE OR PROVIDE DIRECTIONS TO AGRICULTURAL PRODUCTS**
 29 **OFFERED FOR SALE TO THE PUBLIC THAT ARE GROWN OR PRODUCED BY A**
 30 **PERSON ENGAGED IN AGRICULTURE IN THE COUNTY IN WHICH THE SIGN IS**
 31 **PLACED;**

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

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

5 8-714.

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

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

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

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

17 (3) That is used only to advertise:

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

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

20 (4) That:

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

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

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

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

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

31 (5) That:

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

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

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

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

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

14 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
15 October 1, 2013.