

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 141, “NUISANCES”, §141-7, “SIGNS OR ADVERTISEMENTS”
TO CLARIFY THAT THE LAW IS APPLICABLE IN ALL CITY RIGHTS OF WAY,
AND TO INCLUDE ENFORCEMENT OF SIGN POSTING RESTRICTIONS IN STATE
RIGHTS OF WAY AND TO SET A FINE

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

WHEREAS, the City provides for regulation of signs and advertisements on any street or thoroughfare in §141-7 of the City Code; and

WHEREAS, House Bill 289, adopted by the State legislature in 2011, amended Section 8-605 of the Transportation Article, Annotated Code of Maryland, to authorize municipalities to remove prohibited signs from State Highway rights of way and to issue fines to persons who place commercial signs in the State Highway rights of way; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to authorize City personnel to remove prohibited signs from State Highway rights of way and to issue fines to persons who place commercial signs in those rights of way, and to clarify that the provisions of §141-7 apply to all City rights of way.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that the title of Chapter 141 “Nuisances”, §141-7 “Signs and advertisements” be, and is hereby, enacted to read as follows:
 §141-7 Signs and advertisements.

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
<u>CAPS</u>	:Indicate matter added in amendment
[Brackets]	:Indicate matter deleted in amendment

A. SIGNS OR ADVERTISEMENTS IN CITY RIGHTS OF WAY. It shall be unlawful for any person to post or allow to be posted in any manner IN OR on any CITY RIGHT OF WAY, public street, SIDEWALK, [~~or~~] thoroughfare OR OTHER PUBLIC WAY [~~within the City limits~~] OR TO ANY LAMPPOST, PUBLIC UTILITY POLE OR TREE IN SAID PUBLIC WAY, any SIGN OR form of advertisement [~~for any type of event or campaign~~] without notifying and obtaining permission from the City Public Services Department. Political signs or other political matter may not be posted more than 45 days prior to an election. Such material must be removed within 48 hours after the event or election.

B. SIGNS IN A STATE OF MARYLAND RIGHT OF WAY. EXCEPT FOR A SIGN PLACED OR MAINTAINED BY THE STATE OR WITH THE AUTHORIZATION OF THE STATE, A PERSON MAY NOT PLACE OR MAINTAIN A SIGN OR DIRECT, CONSENT TO, OR APPROVE THE PLACEMENT OR MAINTENANCE OF A SIGN, WITHIN A STATE HIGHWAY RIGHT-OF-WAY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY.

(1) WITHOUT RESORT TO LEGAL PROCEEDINGS, A SIGN PLACED OR MAINTAINED IN VIOLATION OF THIS SUBSECTION MAY BE REMOVED AND DESTROYED BY CITY PERSONNEL.

(2) A PERSON THAT PLACES OR MAINTAINS A COMMERCIAL SIGN WITHIN THE RIGHT-OF-WAY OF A STATE HIGHWAY IN VIOLATION OF THIS SUBSECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$25 PER COMMERCIAL SIGN, WHICH, IF NOT PAID AFTER BEING CITED AND ASSESSED MAY BE RECOVERED BY THE CITY IN A CIVIL ACTION IN

THE DISTRICT COURT. THE CITY MAY ALSO SEEK AN INJUNCTION AGAINST FURTHER VIOLATIONS OF THIS SUBSECTION. FOR A THREE MONTH PERIOD AFTER INITIATING A SIGN REMOVAL PROGRAM, A COMMERCIAL SIGN VIOLATION UNDER THIS SUBSECTION B(2) MAY BE ENFORCED ONLY THROUGH ISSUANCE OF A WARNING.

(3) THE CITY SHALL ENFORCE THIS SUBSECTION B ON A VIEWPOINT AND CONTENT NEUTRAL BASIS.

(4) FOR THE PURPOSES OF ENFORCING THIS SUBSECTION B, THE PRESENCE OF A SIGN WITHIN A STATE HIGHWAY RIGHT-OF-WAY SHALL BE EVIDENCE THAT THE SIGN WAS PLACED OR MAINTAINED AT THE DIRECTION OF, OR WITH THE CONSENT AND APPROVAL OF, THE PERSON OR THE PERSON'S AGENT OR REPRESENTATIVE IN THE STATE WHOSE NAME, BUSINESS, LOCATION, OR PRODUCT REPRESENTATION IS DISPLAYED ON THE SIGN.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that

Chapter 110 "Fees and Penalties", §110-2, "Penalties", be and is hereby repealed and reenacted with amendments as follows:

§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or

resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
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Ch. 141 Nuisances

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§141-7 SIGNS AND ADVERTISEMENTS

§141-7(A)	SIGNS OR ADVERTISEMENTS IN CITY RIGHTS OF WAY	
	INITIAL VIOLATION	\$100
	SUBSEQUENT VIOLATIONS	\$200
	IN 12 MONTHS	

§141-7(B)	SIGNS IN A STATE OF MARYLAND RIGHT OF WAY.	
	PER SIGN	\$25

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Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 P.M. on the 9th day of November, 2011, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons

interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective at the expiration of twenty (20) days after its adoption by the Mayor and Council of the City of College Park, Maryland provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 11th day of October 2011.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2011.

EFFECTIVE the _____ day of _____, 2011.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney