

HOUSE BILL 1491

L2, R1

8lr2187

By: **Delegate Beitzel**

Introduced and read first time: February 18, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County - Outdoor Advertising Signs Adjacent to Highways**

3 FOR the purpose of including Garrett County under certain provisions of law
4 prohibiting certain persons from leasing, renting, using, or permitting the use of
5 property for the purpose of erecting certain outdoor advertising signs that are
6 adjacent to certain highways; providing for the application of this Act;
7 authorizing Garrett County to pay certain compensation for the removal of
8 certain outdoor advertising signs under certain circumstances; providing for the
9 application of this Act; and generally relating to outdoor advertising signs in
10 Garrett County.

11 BY repealing and reenacting, with amendments,
12 Article 25 – County Commissioners
13 Section 122D
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article 25 – County Commissioners
18 Section 122E
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2007 Supplement)

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

23 **Article 25 – County Commissioners**

24 122D.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In **GARRETT COUNTY AND IN** Harford County, no person, firm, or
2 corporation may lease, rent, use, or permit the use of property for the purpose of
3 erecting thereon any outdoor advertising signs of any kind adjacent to any State or
4 county highway which are visible from the traveled way of the highway, except as
5 hereinafter provided. As used in this section “visible from the traveled way” means
6 capable of being seen, whether or not legible, without visual aid by a person of normal
7 visual acuity. This prohibition does not apply to the following:

8 (1) Outdoor advertising signs promoting a business or other activity
9 being conducted on the same property as the sign, known as “on-premise signs”.

10 (2) Outdoor advertising signs located under the authority of zoning
11 permits in commercial or industrial zones.

12 (3) Outdoor advertising signs authorized in districts zoned commercial
13 and industrial by municipal corporations within their boundaries.

14 (4) Temporary real estate signs.

15 (5) Official directional signs installed by the State Highway
16 Administration or **BY GARRETT COUNTY OR** Harford County.

17 (6) Signs denoting places of religious worship or a historic monument
18 on location. However, these signs shall be located in accordance with the rules and
19 regulations of the State Highway Administration.

20 (7) Outdoor advertising signs erected prior to June 1, 1972.

21 (b) Either the State Highway [Administration] **ADMINISTRATION**, or
22 **GARRETT COUNTY OR** Harford [County] **COUNTY**, may acquire by purchase, gift or
23 condemnation, and pay just compensation upon the removal of, outdoor advertising
24 signs which are visible from the traveled way of State or county highways **IN THE**
25 **AFFECTED COUNTY** if the outdoor advertising signs were erected prior to June 1,
26 1972. No compensation may be paid for any such signs erected subsequent to June 1,
27 1972. Compensation is authorized to be paid only for the following:

28 (1) The taking from the owner of the sign, display, or device of all
29 right, title, leasehold and interest in the sign, display or device.

30 (2) The taking from the owner of the land on which the sign, display,
31 or device is located of the right to erect and maintain the sign, display or device
32 thereon.

33 (c) Nothing herein may be construed to permit the erection of outdoor
34 advertising signs otherwise prohibited by State or local law or by local zoning
35 ordinance.

1 122E.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) (i) "Fair market value" means a value, determined by a
4 schedule adopted by the Department of Transportation, that includes the value of
5 integral parts of an outdoor advertising sign, less depreciation.

6 (ii) "Fair market value" does not include a value for loss of
7 revenue.

8 (3) (i) "Outdoor advertising sign" means an off-premises outdoor
9 sign:

10 1. Commercially owned and maintained; and

11 2. Used to advertise goods or services for sale in a
12 location other than that on which the sign is placed.

13 (ii) "Outdoor advertising sign" includes signs composed of
14 painted bulletin or poster panel, and usually referred to as billboards.

15 (b) A county or municipality shall pay the fair market value of an outdoor
16 advertising sign, removed or required to be removed by the county or municipality,
17 that was lawfully erected and maintained under any State, county, or municipal law
18 or ordinance.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
20 construed to apply only prospectively and may not be applied or interpreted to have
21 any effect on or application to any outdoor advertising sign adjacent to any State or
22 county highway in Garrett County on the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.