

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1491 (Delegate Beitzel)
Environmental Matters

Garrett County - Outdoor Advertising Signs Adjacent to Highways

This bill prohibits outdoor advertising signs adjacent to any State or county highway in Garrett County.

Fiscal Summary

State Effect: None.

Local Effect: Garrett County finances would not be materially affected.

Small Business Effect: Potential meaningful impact on small businesses seeking to advertise on billboards.

Analysis

Bill Summary: In Garrett County, no person, firm, or corporation may lease rent, use, or permit the use of property for the purpose of erecting any outdoor advertising signs visible from the traveled way. For the purposes of the bill, “outdoor advertising” is defined as an off-premises outdoor sign that is commercially owned and maintained and used to advertise goods or services for sale in a location other than that on which the sign is placed. This definition includes signs composed of painted bulletin or poster panel, and usually referred to as billboards.

The prohibition does not apply to outdoor advertising signs • promoting a business or other activity being conducted on the same property as the sign; • located under the authority of zoning permits in commercial or industrial zones; • authorized in districts zoned commercial and industrial by municipal corporations within their boundaries; or

- erected prior to June 1, 1972. The prohibition also does not apply to temporary real estate signs and official directional signs installed by the State Highway Administration or by Garrett County.

The bill is to be applied prospectively and may not be applied or interpreted to have any effect on or application to any outdoor advertising sign adjacent to any State or county highway in Garrett County as of October 1, 2008.

Current Law: Harford County prohibits outdoor advertising adjacent to State or county highways and has authority to remove signs erected in violation of this prohibition, the same as proposed by the bill.

Subject to specified exceptions, a person may not erect or maintain any outdoor sign outside the limits of any municipal corporation within 500 feet of a State highway unless the person has a permit issued by the State Highway Association (SHA) for that sign. In addition, a person may not erect or maintain any outdoor sign along or near any federal aid primary highway, unless the person has been issued a permit. Federal law requires states to control advertising on the sides of federally funded highways. Failure to control the outdoor advertising could potentially result in the loss of 10% of all federally funded highway aid.

A county or municipality must pay the fair market value of an outdoor advertising sign, removed or required to be removed by the county or municipality, that was lawfully erected and maintained under any State, county, or municipal law or ordinance.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Garrett County, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2008
mll/hlb

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