

MEMORANDUM

TO: County Council

FROM: ~~ME~~ Michael Faden, Senior Legislative Attorney

SUBJECT: **Public Hearing:** Bill 30-14, Streets and Roads – Right-of-Way Permit – Fee - Exemption

Bill 30-14, Streets and Roads – Right-of-way Permit – Fee - Exemption, sponsored by Councilmembers Berliner, Riemer, Elrich, Leventhal, Floreen, Andrews, and Navarro, was introduced on May 6, 2014. A Transportation, Infrastructure, Energy and Environment Committee worksession is tentatively scheduled for July 21 at 9:30 a.m.

Bill 30-14 would waive the filing fee for right-of-way permits to install geographic area signs by civic and homeowners' organizations. It is similar to a provision in the current County sign law, §59-F-9.1, (converted to §7.4.3.B.2 in the new zoning code; see ©4-5), which exempts these organizations from sign permit fees.

This packet contains:	<u>Circle #</u>
Bill 30-14	1
Legislative Request Report	3
Sign permit provisions	4
Fiscal and Economic Impact statement	6

Bill No. 30-14
Concerning: –Streets and Roads - Right-
of-way Permit – Fee - Exemption
Revised: 4/29/14 Draft No. 1
Introduced: May 6, 2014
Expires: November 6, 2015
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berliner, Riemer, Elrich, Leventhal, Floreen, Andrews, and Navarro

AN ACT to:

- (1) waive the filing fee for certain right-of-way permits to install certain geographic area signs by certain organizations; and
- (2) generally amend the law governing right-of-way permits.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Section 49-35, Right-of-way permit

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Bill 30-13

Streets and Roads – Right-of-way Permit – Fee - Exemption

- DESCRIPTION:** Would waive the filing fee for right-of-way permits to install geographic area signs by civic and homeowners' organizations. It is similar to a provision in the current County sign law, §59-F-9.1, (converted to Chapter 59 §7.4.3.B.2 in the new zoning code), which exempts these organizations from sign permit fees.
- PROBLEM:** Inconsistency in current law for different fees charged to civic and homeowners' associations for similar signs.
- GOALS AND OBJECTIVES:** To remove one obstacle to civic and homeowners' associations installing neighborhood identification signs.
- COORDINATION:** Department of Permitting Services
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** To be requested.
- EVALUATION:** To be requested.
- EXPERIENCE ELSEWHERE:** To be researched.
- SOURCE OF INFORMATION:** Michael Faden, Senior Legislative Attorney, 240-777-7905
- APPLICATION WITHIN MUNICIPALITIES:** Applies only to County right-of-way permits.
- PENALTIES:** Not applicable.

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Sec. 59-F-9.1. Permit.

(a) When Required.

(1) Except as otherwise provided in divisions 59-F-8 and 59-F-6, a permit must be obtained under this Article when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered.

(2) Routine maintenance does not require a permit. Routine maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan.

(b) Application. The property owner and the sign installer must file a joint application for the sign permit on forms provided by the Director. If the property owner has an agent or lessee, the agent and the lessee must also sign each permit form. The application must be accompanied by all required documents and fees. The Director must waive all required fees for any organization that satisfies subsection (1)(A) and may waive or reduce all required fees for any organization that satisfies subsection (1)(B) if:

(1) the primary applicant is a non-profit organization that:

(A) is on the Planning Board's list of civic and homeowners associations; or

(B) by law is exempt from federal income taxes and demonstrates that its annual revenue during its most recent fiscal year was less than an amount set by a regulation adopted by the Director under method (2); and

(2) the size of the proposed sign is smaller than a maximum size set by a regulation adopted by the Director under method (2).

* * *

Section 7.4.3. Sign Permit

A. Applicability

1. A sign permit is required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy that satisfies a sign concept plan, does not require a permit.
2. Signs listed in Section 6.7.3 and Section 6.7.12 are exempt from the sign permit requirement.

B. Application Requirements

1. The property owner and the sign installer must file a joint application for the sign permit on forms provided by DPS. If the property owner has an agent or lessee, the agent and the lessee must also sign each permit form. The application must be accompanied by all required fees and the following:
 - a. a scale drawing of the sign showing all dimensions and visual characteristics, including structural and architectural supports;
 - b. a scale drawing of the site showing:
 - i. the proposed location of the sign, including setbacks;
 - ii. the location and size of all other signs on the property;
 - iii. the location, dimensions, and distance from property lines of all buildings on the site;
 - iv. the location and name of all streets that abut the property;
 - v. the frontage dimensions of the site along each street that abuts the property;
 - vi. the existing elevation and grade of the site and the proposed contour lines;
 - c. a valid electrical permit or a completed application for an electrical permit under Chapter 17, if the application is for an illuminated sign;
 - d. a completed building permit application under Chapter 8 for a sign requiring structural support;
 - e. payment of the sign permit fee as adopted by District Council Resolution;
 - f. other information that may be required by DPS to insure compliance with Division 6.7 or other sections of the Chapter; and
 - g. a sign concept plan if:
 - i. the lot or parcel is in a Commercial/Residential, Employment, or Industrial zone and is requesting more than 800 square feet of total sign area;
 - ii. the development consists of more than one lot or parcel in a Commercial/Residential, Employment, or Industrial zone developed under a management control plan where one or more individual lots or parcels is requesting more than 800 square feet of total sign area, even if such development includes one or more individual sites or parcels whose total sign area does not exceed 800 square feet; or
 - iii. the development uses optional method within an urban renewal area.
2. DPS must waive all required fees if:
 - a. the primary applicant is a non-profit organization that is on the Planning Board's list of civic and homeowners associations; and
 - b. the size of the proposed sign is smaller than the maximum size under Division 6.7.
3. DPS may waive or reduce all required fees if:
 - a. the primary applicant is a non-profit organization that by law is exempt from federal income taxes and demonstrates that its annual revenue during its most recent fiscal year was less than an amount set by DPS under Method (2); and
 - b. the size of the proposed sign is smaller than the maximum size under Division 6.7.



ROCKVILLE, MARYLAND

MEMORANDUM

May 27, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Joseph F. Beach, Director, Department of Finance

SUBJECT: Council Bill 30-14, Streets and Roads-Right-of-Way Permit -Fee Exemption

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Joseph F. Beach, Director, Department of Finance
David Platt, Department of Finance
Robert Hagedoorn, Department of Finance
Diane Jones, Director, Department of Permitting Services
Dennis Hetman, Office of Management and Budget
Alex Espinosa, Office of Management and Budget
Felicia Zhang, Office of Management and Budget
Naeem Mia, Office of Management and Budget

Fiscal Impact Statement
Council Bill 30-14 Streets & Roads – Right of Way Permits – Fee Exemption

1. Legislative Summary.

This bill would waive the permitting fee for right-of-way permits to install geographic area signs by civic and homeowners' organizations. It is similar to a provision in the current County sign law, 59-F-9.1, (converted to 7.4.3.B.2 in the new zoning code; see 4-5) which exempts these organizations from sign permit fees.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Based on an analysis for the last four (4) years, the exemption would result in a negative change of revenue of less than \$500 per year.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The County would continue to collect less than \$500 in lost revenue each year for the next 6 years for an estimated total of \$3,000.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

The legislation does not authorize future spending.

6. An estimate of the staff time needed to implement the bill.

No additional staff time is required to implement the bill.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

The addition of new staff responsibilities would not affect other duties.

8. An estimate of costs when an additional appropriation is needed.

No additional appropriation will be needed.

9. A description of any variable that could affect revenue and cost estimates.

The loss of revenue would vary slightly from year to year with a negligible impact of marginal amounts.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a bill is likely to have no fiscal impact, why that is the case.

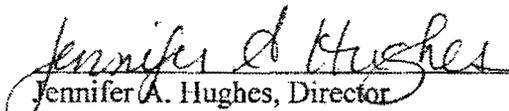
The Bill will have minor fiscal impacts due to the low demand for this type of sign in the County Right of Way.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis: (Enter name and department).

Linda Kobylski, DPS
Rick Brush, DPS
Atiq Panshiri, DPS
Dennis Hetman, OMB



Jennifer A. Hughes, Director
Office of Management and Budget

5/22/14
Date

Economic Impact Statement
Bill 30-14, Streets and Roads – Right-of-Way Permit – Fee - Exemption

Background:

This legislation would waive the filing fee for right-of-way permits to install certain geographic area signs. Bill 30-14 exempts an applicant that is listed on the Planning Board's recent list of civic and homeowners' associations or a non-profit organization that is exempt from federal income taxes and its annual revenue during the most fiscal year does not exceed an amount set by regulation.

1. The sources of information, assumptions, and methodologies used.

The Department of Permitting Services (DPS) provided information for the preparation of the economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

The variables that could affect the economic impact estimates are the number of permits and the amount of the fee that is waived. According to information provided by DPS, the number of permits issued to civic and homeowners' associations and eligible non-profit organization as defined in amended Section 49-35 of the County Code is very small. The amount of fee that is waived is well below \$500 per permit.

3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

Based on the information provided in paragraph #2, there would be no measurable economic impact on employment, spending, saving, investment, incomes, and property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

Please see paragraphs #2 and #3.

5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance; Richard Brush, Department of Permitting Services.

For


Joseph E. Beach, Director
Department of Finance

5/22/14
Date