

**MEMORANDUM**

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** 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, is scheduled to be introduced on May 6, 2014. A public hearing will be scheduled at a later date.

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.

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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

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

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**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

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

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## 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.