Town of Chevy Chase
Sign Regulation Ordinance

ADOPTED

Ordinance No.: 08-14
Introduced: September 10, 2008
Public Hearing: November 12, 2008
Adopted: November 12, 2008
Effective Date: December 13, 2008

WHEREAS, Article 23A, Section 2(a) of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Article 23A, Section 2(b)(5) of the Maryland Code authorizes the legislative body of a municipal corporation to regulate the erection of signs within the limits of a municipality; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code authorizes municipal corporations in Montgomery County, such as the Town of Chevy Chase, to regulate the erection of signs; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council finds that the aggregation of signs in the public right-of-way and on private and public property can cause a visual distraction to vehicle operators and pedestrians, obstruct vehicle operators' sight lines, and generally inhibit overall traffic safety; and

WHEREAS, the Town Council finds that the placing of stakes into the ground when erecting signs could cause damage to roots of the town's trees and otherwise detract from the trees' overall health; and

WHEREAS, the Town Council finds that signs are susceptible to damage and deterioration from wind, rain and other elements, which can lead to litter in the town; and

WHEREAS, the Town Council finds that the number of signs and the manner in which signs are displayed has the potential to detract from the appearance of the community through the creation of visual clutter; and

WHEREAS, the Town Council finds that, if left unregulated, signs are more likely to cause the aforementioned public harms; and

WHEREAS, the Town Council finds that the harm to the public health, safety and welfare can be limited by regulating the number, size, length of display, and location of signs in the town; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, on the 15th day of September, 2008, a copy of the following Ordinance was submitted to the Montgomery County Council for its comments; and

WHEREAS, no comments were received from the Montgomery County Council; and

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council conducted a public hearing at which it considered the following Ordinance in public session assembled on the 12th day of November, 2008; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the town; for the protection and preservation of the town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO AMEND CERTAIN PROVISIONS RELATING TO THE REGULATION OF SIGNS DISPLAYED WITHIN THE TOWN LIMITS.

SECTION 1. BE IT ORDAINED AND ORDERED, this 12th day of November, 2008, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Town

Charter, that Sections 4-21 through 4-32 of Chapter 4 of the Town of Chevy Chase Municipal Code are hereby amended to read as follows:

Sec. 4-21. Purpose.

It is the intent of the town council to promote the town's public health, safety and general welfare by providing regulatory requirements for the location, size, and certain features of signs. Frequently, the use of public property, public rights-of-way and private property for signs results in the destruction of trees, distraction to and interference with the sight lines of vehicle operators and pedestrians, and causes litter and visual clutter which detracts from the appearance of the community. The purpose of this article is to regulate exterior signs so as to alleviate, to the extent possible, the aforementioned conditions and to protect the health, safety and public welfare of the town and its residents; to enhance vehicular and pedestrian safety; to minimize damage to trees; to reduce litter; to preserve the value of property; and to assure the continued attractiveness of the town.

(Res. No. 86-005, § 1, 10-8-86; Res. No. 08-14, 11-12-08)

Sec. 4-22. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial sign means any sign displayed for the purpose of identifying a commercial use, or advertising or endorsing a service, product, business, venture or other enterprise. Such term shall include, but not be limited to, any building-related sign erected, placed or maintained on a property which advertises the name of any individual, firm, company or organization engaged in, expected to commence or having completed any architecture, construction, demolition, excavation, landscaping or any other work on the property.

Directional sign means a sign that guides or directs vehicular or pedestrian traffic to a specific location through the use of words, symbols, or other means.

Embellishment means any balloon, ornament, pennant, pinwheel, ribbon, streamer, or similar object attached to a sign and designed or used to secure the attention of vehicle operators or pedestrians.

Front property line means any and all property lines bordering upon a street.

Home security sign means a sign indicating the existence of an electronic or staffed security system on the property.

Noncommercial sign means a sign conveying any political, religious or other noncommercial speech which carries no message, statement or expression related to any commercial interest.

Political sign means any sign designed to promote, support, or oppose any candidate for federal, state, county or local election, or to promote, support, or oppose any political proposition, issue or position.
Property means any parcel of land created by subdivision or deed which may contain multiple lots or parts of lots that are under common ownership.

Public right-of-way means any right-of-way dedicated to public use within the town.

Real estate sign means any sign indicating the availability for sale, rent or lease of a specific property, building or portion of a building. *Sign* means any structure, part thereof, device attached thereto, painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, pronouncement, direction or designation of any person, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or building in such a manner as to attract attention. *Sign face* means the singular planar surface of a sign, not including any supporting framework such as a sign's supports, uprights or bases which do not convey any information.

Temporary event sign means a sign intended for display for a limited period of time which announces any public, charitable, educational, religious, celebratory, fundraising or other similar type of event or any special event, such as a garage sale or estate sale.
(Res. No. 86-005, § 2, 10-8-86; Res. No. 08-14, 11-12-08)

Sec. 4-23. Prohibited signs.

No sign shall be erected, placed or maintained in a manner which would present a physical danger to persons or property or which would violate any of the following conditions:

(a) *Private property.* No sign other than those exempted in section 4-26 of this article or permitted in section 4-27 of this article shall be erected, placed or maintained on private property.

(b) *Public right-of-way and public property.* No sign shall be erected, placed or maintained in the public right-of-way or on public property unless permitted on a temporary basis in accordance with section 4-25 or section 4-27(1)(g) of this article or exempted under section 4-26 of this article. It shall be unlawful for any person to post or authorize the posting of a sign of any type to any trees, utility poles, traffic-control signs, fences or walls in the public right-of-way or on public property.

(Res. No. 86-005, § 3, 10-8-86; Ord. No. 87-002, 10-14-87; Ord. No. 89-002, 8-9-89; Res. No. 93-006, § 2, 1-12-94; Res. No. 08-14, 11-12-08)

Sec. 4-24. Location of signs.

No sign shall be erected, placed or maintained in a manner which would interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or in a manner which would constitute an obstruction to those using the public right-of-way.

(Res. No. 08-14, 11-12-08)

Sec. 4-25. Temporary directional signs.

Signs designed to guide or direct vehicular or pedestrian traffic to a temporary event or real estate "open house" event as those terms are used in section 4-27 shall be permitted on a temporary basis in the public right-of-way, provided that such signs meet the following conditions:

(1) No more than six (6) signs relating to a single event shall be located in the public right-of-way at any one time.

(2) No sign in the public right-of-way shall exceed six (6) square feet per sign face.

(3) Signs shall not be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians.

(4) Signs shall be erected, placed or maintained in the public right-of-way only for the duration of the event and shall be removed immediately upon the conclusion of the event.

(Res. No. 08-14, 11-12-08)

Sec. 4-26. Exemptions from article.

The requirements of this article shall not apply to the following:

(1) Any sign erected, placed or maintained on institutional property in accordance with the Manual on Uniform Traffic-Control Devices adopted by the State Highway Administration.

(2) Any sign erected, placed or maintained by any utility company or government acting on its own behalf or as an agent for any government having jurisdiction over the property or right-of-way on which the sign is to be located.

(3) Any sign required by local, state or federal law.
(4) Any sign erected, placed or maintained by a church, synagogue or other place of worship, provided such sign meets the following conditions:

a. Lighting shall not be with colored lights.
b. Not more than one (1) sign per street frontage of any property.
c. No sign shall exceed fifteen (15) square feet per sign face.
d. All signs shall be located on the private property of the church, synagogue or other place of worship at least ten (10) feet from all property lines.
e. No sign shall contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians.
f. No sign shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or constitute an obstruction to those using the public right-of-way.

(5) Any residential house number or name sign, provided such sign meets the following conditions:

a. Lighting shall not be with colored lights.
b. No more than two (2) signs per street frontage of any property.
c. No sign shall exceed fifty (50) square inches per sign face.
d. All signs shall be located on private property at least two (2) feet from the nearest public improvement.
e. No sign shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or constitute an obstruction to those using the public right-of-way.

<u>(6) Any home security sign, provided such sign meets the following conditions:</u>

a. No sign shall exceed two (2) square feet per sign face.
b. All signs shall be located on private property at least five (5) feet from the nearest public improvement.

(7) Any flag, banner, emblem or insignia of a political or religious organization or a professional, collegiate or scholastic institution displayed on a flag pole, provided such display meets the following conditions:

a. No flag, banner, emblem, or insignia shall be displayed with a commercial message or in connection with a commercial promotion.
b. No flag, banner, emblem or insignia shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or constitute an obstruction to those using the public right-of-way.

(8) Any non-commercial decoration associated with any traditionally recognized civic, patriotic, and/or religious holidays, provided that such decorations are maintained in safe condition, do not constitute a fire hazard, and do not interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs or constitute an obstruction to those using the public right-of-way.

(Res. No. 86-005, § 6, 10-8-86; Ord. No. 89-002, 6-15-89; Res. No. 08-14, 11-12-08)

Sec. 4-27. Signs permitted.(1) *Real estate signs.* Real estate signs may be erected, placed or maintained upon a property to advertise its sale, lease or rent, subject to the following conditions:

a. Not more than one (1) sign per street frontage of any property.

b. No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians.

c. All signs shall be removed immediately upon the sale, lease, or rental of the property.

d. No sign shall exceed six (6) square feet per sign face.

e. No sign erected, placed or maintained on private property shall be located within five (5) feet of the nearest public improvement.

f. All signs shall be located only on the property for which the sale, lease or rental is being advertised, except as provided for in paragraph (g) of this section.

g. Notwithstanding limitations regarding the maximum number of real estate signs set forth in paragraph (a) of this subsection or the maximum cumulative display face area of all signs permitted on any one property contained in subsection (4) of this section, signs advertising any "open house" event shall be permitted in the public right-of-way during the hours the house is actually open for inspection, provided that such signs meet the following conditions:

1. All signs shall be removed immediately upon the conclusion of the "open house" event.
2. All signs shall be erected, placed or maintained only on a freestanding stake.

3. Not more than two (2) signs advertising an "open house" for the inspection of the same property shall be permitted in the public right-of-way at any one time.

(2) *Temporary event signs.* Temporary event signs may be erected, placed or maintained to advertise the temporary event, its location, time and date, subject to the following conditions:

a. Not more than one (1) sign shall be erected, placed or maintained for any one event per street frontage of any property.

b. No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians.

c. All signs shall be removed immediately at the end of the event.

d. No sign shall exceed six (6) square feet per sign face.

e. No sign shall be located:

1. in the public right-of-way; or
2. on private property within five (5) feet of the nearest public improvement.

f. All signs shall be located only on the property at which the temporary event is scheduled to occur.

(3) *Noncommercial signs.* Noncommercial signs may be erected, placed or maintained, subject to the following conditions:

a. No sign shall exceed nine (9) square feet per sign face.

b. No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians.

c. No sign shall be located in the public right-of-way.

(4) Notwithstanding the foregoing, the cumulative display face area for all signs permitted under this section to be erected, placed or maintained upon a property at any one time shall not exceed ninety (90) square feet. For any sign containing two (2) sign faces, only the size of the largest sign face shall be counted towards the cumulative display face area for purposes of this subsection. For any sign containing greater than two (2) sign faces, the size of all such sign faces shall be counted towards the cumulative display face area for purposes of this subsection.

(Res. No. 86-005, § 7, 10-8-86; Ord. No. 89-002, 6-15-89; Res. No. 08-14, 11-12-08)

Sec. 4-28. Nonconforming signs.

Signs existing on December 13, 2008 which do not conform to this article shall be removed in accordance with section 4-29.

(Res. No. 86-005, § 8, 10-8-86; Res. No. 08-14, 11-12-08)

Sec. 4-29. Removal of signs in violation of article.

(a) The town manager or the manager's designee may remove or order the removal of any sign erected, placed, or maintained in violation of this article, subject to the following conditions:

(1) *Private property.* At least five (5) days prior to the removal of any sign located on private property in violation of this article, notice shall be given in writing to the sign owner or the owner of the building, structure or property on which the sign is located, to remove the sign or to bring it into compliance with this article.

Upon request by any person receiving such a notice, a pre-removal administrative hearing shall be provided by the town manager as soon as practicable to determine whether a violation of this article has occurred. The town shall remove the sign upon the failure of the sign owner to comply with any

notice provided or with any determination made as a result of an administrative hearing when such a hearing has been requested.

(2) *Public right-of-way, public property or government-owned or utility-owned property.* The town manager or the manager's designee may remove or order the removal of any sign located in the public right-of-way, on public property, or on government-owned or utility-owned property in violation of this article without providing notice to a sign owner and without a pre-removal administrative hearing.

Upon removal, the town manager or the manager's designee shall inform the sign owner (in the event the sign owner can be reasonably identified) of the sign's removal and the sign owner's right to request an administrative hearing regarding the removal. Upon request by any person receiving such a notice, a post-removal administrative hearing shall be provided by the town manager as soon as practicable to determine whether a violation of this article has occurred.

(b) The town may remove a sign in violation of this article immediately and without notice or a pre-removal administrative hearing if it reasonably appears that the sign has been erected, placed or maintained in any location in violation of section 4-24 of this article and if the condition of the sign is such as to present an immediate threat to the safety of the public.

(c) Any cost of removal incurred by the town shall be assessed to the owner of the property on which such sign is located, or, in the case of a sign located in the public right-of-way or on public property, to the sign owner if such owner can be reasonably identified or the person for whose benefit or on whose behalf the sign was erected, placed or maintained. Such cost may be collected in the manner of an ordinary debt or in the manner of taxes and such charge shall be a lien on the property upon which the sign is located.

(Res. No. 86-005, § 9, 10-8-86; Res. No. 93-006, § 1, 1-12-94; Res. No. 08-14, 11-12-08)

Sec. 4-30. Presumption and prosecutions.

In any prosecution charging a violation of any provision of this article, proof that the sign described in the notice of violation was placed, erected or maintained at the location and during the time of the alleged violation shall create a rebuttable presumption that such placement, erection or maintenance was done or authorized:

(1) by the person identified as the owner of record for the property on which the sign is found to be in violation, in the case of a sign located on private property; or

(2) by the person for whose benefit or on whose behalf the sign was erected, placed or maintained in the case of a sign erected, placed or maintained in the public right-of-way or on public property.

(Res. No. 86-005, § 10, 10-8-86; Res. No. 08-14, 11-12-08)

Sec. 4-31. Penalties.

Any person who violates any provision of this article or directs another to violate a provision of this article or allows a violation of this article on his or her property, or any person's employer if the person acted in the course of his or her employment, shall be guilty of a municipal infraction and upon conviction, shall be punishable by a fine of one hundred dollars ($100.00) for each offense. Each sign found to violate this article shall constitute a separate offense. Each day that a violation of this article exists shall constitute a separate offense.

(Res. No. 86-005, § 11, 10-8-86; Res. No. 08-14, 11-12-08)

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 12th day of November, 2008, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Town Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the 13th day of December, 2008.

ATTEST:

David Lublin, Secretary
Town of Chevy Chase

TOWN OF CHEVY CHASE

Kathy Strom, Mayor
Town of Chevy Chase

Underline indicates new material
~~Strikethrough~~ indicates material deleted

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