

Deep Creek Watershed Sign Committee Minutes

January 9, 2019

I. Call to order

Deborah Carpenter welcomed the group and informed them that the sign committee website is up and running. It can be accessed through the Department of Planning & Land Management's website. Also Carpenter informed the group that Eric King, from the LED sign industry, could not attend the meeting. He is planning to attend the meeting on February 27th.

II. Attendance

The following members were present: Julie Mead, Jim Lascaris, Morgan France, Karen Petrie, Nicole Christian, Karen Myers, Bob Browning, Jonathan Kessler, Robin Douglas, Mike Kennedy

The following subject matter experts were present: Mike Getty (law), Mike Kenney (sign industry), Linda Puffenbarger Zerbee (SHA)

The following staff from the Garrett County Department of Planning & Land Management were present: Deborah Carpenter and Bruce Metz

III. Old Business

Approval of Minutes

The minutes were approved as provided.

Purpose Statement

Carpenter stated that the email asking for review of the proposed purpose statement garnered one comment about the existence of 'promote' twice within the last sentence. The purpose set read:

In Maryland, legislative bodies are authorized to regulate signs in an effort to promote public health, safety and welfare. (Land Use Article, Section 4-102, Annotated Code of Maryland) Sign regulations in this ordinance are intended to promote, enhance and promote the character of the local community.

The group decided to change the purpose statement to:

In Maryland, legislative bodies are authorized to regulate signs in an effort to promote public health, safety and welfare. (Land Use Article, Section 4-102, Annotated Code of Maryland) Sign regulations in this ordinance are intended to promote and enhance the character of the local community.

IV. New Business

State Highway Administration – Linda Puffenbarger

Puffenbarger provided a copy of information on SHA's general sign guidelines from SHA's website. Maryland has state and sometimes federal regulation that applies depending on the road. SHA has jurisdiction only on signs within the right-of-way unless it's an off premise billboard. The state's agreement with the federal government in order to receive more money to build roads, specifies that MD will regulate billboards and that they will only be allowed on non-interstate roads. On-premise signs are not permitted in general, but they have worked with people in certain limited instances. Generally, these exceptions apply to municipalities (for gateway signs/entrances to towns)

A question about scenic byways led to a discussion about whether billboards are permitted along those roads and which roads qualify. Puffenbarger will gather more information and get back with the group.

Puffenbarger explained the specifics of the Tourist Area Corridor sign program. She stated that the signs have just started construction and should be in place by the end of summer of this year. The purpose of the program is to create a uniform wayfinding system for sites that consistently generate traffic. The locations were chosen not based upon number of visitors, but the ability to appreciate the site without interaction. Examples would be a historic downtown or a park or trail system.

The question was raised as to what the state's position would be on allowing a sign within their right of way where their right of way is excessively wide. It has happened, although seldom. In those cases the permits are renewed on a year to year basis, if SHA determines that they do not anticipate needing that right of way in the near future. However, that is done with the understanding that should SHA need that right of way, it is the owner's responsibility to remove the sign at their own cost. Also SHA will consider how permanent the structure is that is desired to be placed. For example, does it require a foundation or lighting or other utilities? Kenney noted that if a sign is allowed in the right of way, it would be required to meet the break away engineering criteria that would allow it to sustain an impact from a vehicle with less damage to the vehicle and passengers. Those criteria greatly increase the cost of a sign.

It was asked about trees in SHA right of way that obscure existing signs. Can they be removed? The answer was no and there is a fine if the tree is removed. All trees planted on land owned by any state agency is subject to MD tree laws (Roadside Tree Law and/or Reforestation requirements). Discussion ensued about the possibility of starting a process whereby signs would be allowed within the right of way or trees could be cut down (also known as 'daylighting a sign') or alternative landscaping could be substituted for the taller trees in these cases of wide right of way and trees acting as visual impairments. SHA contended that such a process would need to include DNR as well as SHA and may require an act of legislature. The contact person for SHA will be Steve Thomas. Becky Wilson would be the contact from DNR.

Does SHA invite local authorities to regulate unpermitted signs in their right of ways? Puffenbarger was not aware of any partnerships but would ask Steve Thomas.

Does SHA ever permit small interstate style signage within their right of ways? Kessler is referring to something relatively small (8 in x 8 in) that would be used for wayfinding for commercial enterprises meeting a traffic threshold. It would not be specific to a business. His idea would be used in conjunction with an incentive program to reduce the use of LED signs. Puffenbarger compared it to specific services signs that the state does not often use. The signs are usually brown or blue with a symbol (ie. a snowflake or a cluster of grapes). Puffenbarger will send information about that program.

What enforcement authority does SHA have and how do you attempt to be equitable? Removable signs will generally be removed on a weekday when SHA is working. Although they do acknowledge that there are companies that put the up close of business on a Friday and take them down Sunday night in order to avoid SHA enforcement. **When permanent signs are discovered within SHA R/W, an attempt is made to contact the owner for removal of the sign so that it may be re-used. Permanent signs have been removed upon discovery in the past if they created a safety (usually sight distance) concern. If an owner chooses not to remove a sign, a fine would be assessed.**

Would you have to have an outdoor advertising license and be insured and bonded in order to have a sign on the state right of way? Puffenbarger was unsure about the insurance and bonded, but noted even for a billboard permit (whose owners would need to have those credentials), those are still not permitted on the right of way.

Kessler asked about the county having the ability to enforce a violation on SHA right of way, which led to some discussion about jurisdiction. Getty noted that in the event of a complaint about a supposedly illegal sign on state property, the county could contact the state that they received the complaint, so the state can investigate and begin enforcement if they deem a violation has occurred.

What would be the process if a group wanted to pursue exceptions to sign laws in a specific area (ie. from the bridge to Rt 42 where the state right of way is excessively wide)? Puffenbarger stated that in Code Home Rule counties there is a process. In Charter Counties (which Garrett County is) an applicant would have to work through their local delegation and the General Assembly.

Can an adjacent property owner petition to purchase right or way? Yes, but be aware that it is a long process that ultimately requires the Board of Public Works approval and MD State Clearinghouse review.

Definitions

- **General Sign Definition** – after some discussion it was voted unanimously that the general sign definition will read as follows.

Sign means any device visible from a public place that displays messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

This definition eliminates the previous reference to anything that captures the eye, and thereby does not regulate anything without letters or symbols. The group concurred, however, that those items need regulated, so Getty and Carpenter will work on an amendment to the ordinance that will regulate non-message advertising.

Kessler offered definitions for various sign types. He noted that on the chart presented sign types are often listed twice – once for commercial and once for residential.

- **Sign Type Definitions** – Karen Myers wished to note that signs, especially at the entrance of subdivisions are often required to be one, two-sided sign, when in some circumstances, due to the geography of the location, it is best to have two one sided signs. She believes the re-write should deal with that issue in some fashion.

Discussion regarding on-site signs led to questions about how currently unregulated signs will be handled (ie. interior signs not visible from the road). There was a concern that the proposed on-site sign definition would encompass interior signs currently unregulated. It was suggested that they will need to be defined and specifically listed as unregulated by the ordinance.

Myers noted that when you have a multi-use property, every use should be able to have a sign. Kessler suggested that the number of free standing signs be based on number of business licenses.

V. Review of Action Items

- **Zerbee will provide more information on scenic byways and any sign regulations or applications associated with it, information on specific services signs, any standard definitions that SHA uses, and information on whether any other jurisdictions have written ordinances that address enforcement on a state right of way.**
- **All members will review sign definitions and sign types.**
- **Carpenter will send the copy of Kessler's draft permit application.**

VI. Next Meeting – January 23, 2019

VII. Adjournment

Minutes respectfully submitted by: Deborah Carpenter, Director

