

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE
OF THE CITY OF HAGERSTOWN, BY
REPEALING CHAPTER 204 THEREOF, ENTITLED
SIGNS, AND RE-ENACTING CHAPTER 204 TO BE RETITLED SIGNS - OFF-PREMISES AND
BILLBOARDS**

RECITALS

WHEREAS, by virtue of State Law and the City Charter, the City of Hagerstown has the authority to regulate and require inspections of off-premises signs and billboards within the City; and

WHEREAS, the Mayor and Council have a responsibility to further traffic safety and maintain and enhance the aesthetic environment within the City; and

WHEREAS, the Mayor and Council recognize the public service provided by orderly and well-maintained off-premise advertising signs and billboards to conduct competitive commerce and industry; and

WHEREAS, the Mayor and Council desire to update the 1999 code, Chapter 204, Signs, to better protect and promote the public health, safety and welfare of the citizens and bring the City's off-premises sign regulations up to current standards of the industry.

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. The foregoing recitals be and are incorporated herein as if restated verbatim.
2. The Code of the City of Hagerstown is hereby amended by repealing Chapter 204, Signs, and re-enacting Chapter 204, Signs – Off-premises and Billboards, to read as follows:

(See Attached)

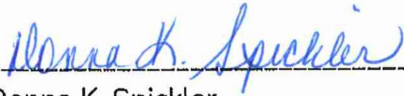
3. This amendment to the Code of the City of Hagerstown shall become effective immediately upon the effective date of this Enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Enacting Ordinance shall become effective upon the expiration of thirty (30) calendar days following its approval.

0-24-05

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND



Donna K. Spickler
City Clerk



Tekesha Martinez
Mayor



Date of Introduction: 03/26/2024
Date of Passage: 04/23/2024
Effective Date: 05/24/2024

PREPARED BY:
SALVATORE & MORTON, LLC
CITY ATTORNEY

Chapter 204 Signs – Off-premises and Billboards

204-1. Short title.

This chapter shall hereinafter be known and cited as the "Billboard Ordinance."

§204-2. Purpose.

- A. There is a significant relationship between the manner in which off-premises advertising signs and billboards are displayed and the public safety and the value and economic stability of adjoining properties. The reasonable display of off-premises advertising signs and billboards is necessary as a public service and necessary in order to conduct competitive commerce and industry.

- B. The purpose of this chapter is to establish minimum standards for off-premises advertising signs and billboards within the City of Hagerstown to further traffic safety by minimizing distractions and obstructions, to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, to minimize the possible adverse effects of off-premises advertising signs and billboards on nearby public and private property and to enable the fair and consistent enforcement of this chapter.

§204-3. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

BILLBOARD -An outdoor off-premises board displaying advertisements.

DEPARTMENT – Planning and Code Administration Department

DIGITAL SIGN - A sign which automatically changes message or copy electronically to create static images of a certain fixed duration. For purposes of this Chapter a digital sign shall not include full-motion video or scrolling, rolling or dissolving images, or signs maintained by the City of Hagerstown within the public right-of-way for a public purpose or benefit.

FACE - The surface of any sign or billboard upon, against, or through which the message is displayed or illustrated on said sign or billboard.

FREESTANDING - Any structure not permanently affixed or attached to a building or other permanent improvement.

GOVERNMENTAL SIGNS – Signs erected and maintained by the City, County, State or Federal Government for designation or direction to community facilities, to provide

information on traffic control and public safety and to provide public service announcements. Such signs serve a public purpose and as such are exempt from this code.

INSTITUTIONAL ZONING DISTRICT – The INST zoning district as defined in Chapter 140.

LOT - Any piece or parcel of land or a portion of a subdivision that is recorded in the land records of Washington County, Maryland.

MIXED-USE ZONING DISTRICTS – The CC-MU and N-MU zoning district as defined in Chapter 140.

OFF-PREMISES ADVERTISING SIGN - Any sign, billboard or other structure or vehicle which advertises an event, product, service, business or entertainment media which is not available or located on the premises. An off-premises advertising billboard includes any sign, billboard or other structure which displays multiple messages and includes at least one message which advertises anything which is not available or located on the premises.

ON-PREMISES SIGN – Any sign, billboard or other structure or vehicle which advertises an event, product, service, business or entertainment media which is available or located on the premises.

PORTABLE SIGN -Any off-premises advertising sign not permanently affixed to the ground or a building or not designed to be permanently attached to the ground or a building.

PREMISES – Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a sign is located.

RESIDENTIAL ZONING DISTRICT – The RMOD, RMED, RH, and RO zoning districts as defined in Chapter 140.

ROOFTOP SIGN - Any off-premises advertising sign located on or attached to the roof of a building, garage, shed or other structure, including a porch roof, lower level roof or a roof on any level of such structure.

SIGN - Any structure, display or device that is arranged, intended, designed or used as an off-premises advertisement, announcement, identifier, description, or direction to attract the public's attention.

SUBSTANTIAL RECONSTRUCTION – Replace or rebuild existing off-premises advertising sign that changes the structural design of the original off-premises advertising sign, height, number of sign faces, type of sign face, etc.

§204-4. Location restriction.

It shall be unlawful for any person to erect and thereafter maintain within any residential, mixed-use, or institutional zoning district of the City any billboard or other off-premise

advertising sign which is visible from other properties in those districts or from a public right-of-way.

§204-5. Off-premises advertising sign restrictions.

- A. No off-premises advertising sign which was not in existence prior to March 15, 1999 shall be permitted within the City limits of the City of Hagerstown, unless said sign is in compliance with the provisions of this chapter. Any off-premises advertising sign existing outside of the City limits immediately prior to annexation, which is subsequently annexed into the City limits, shall be considered to have existed prior to March 15, 1999.
- B. No increase in size or height, number of sign faces, change to digital, internally illuminated sign face, or relocation of an existing off-premises advertising sign shall be permitted after March 15, 1999, unless the property and off-premises advertising sign is in compliance with this chapter.
- C. It shall be unlawful for any person, partnership, corporation, or other entity to own, construct or maintain an off-premises advertising sign within the City limits of the City of Hagerstown without first obtaining a building permit for such off-premises advertising sign and remitting the required permit fee. A building permit is required for each off-premises advertising sign, regardless of size or type. No building permit shall be issued unless the off-premises advertising sign is in compliance with the standards, restrictions and requirements of this chapter. This permit requirement shall not be applicable to any off-premises advertising sign in existence prior to March 15, 1999, except upon replacement thereof or the substantial reconstruction, repair, or modification thereof.
- D. All building permit applications for off-premises advertising signs shall be filed with the Department.

§204-6. Standard for off-premises signs.

The following standards shall apply to all off-premises advertising signs which are constructed after March 15, 1999 and to existing off-premises advertising signs which are replaced entirely or are substantially reconstructed, repaired or modified.

- A. Not more than one off-premises advertising sign shall be allowed per lot and no new off-premises advertising sign shall be located within 300 feet of any existing off-premises advertising sign, regardless of the number of lots in between. This restriction shall not be applicable to any off-premises advertising sign prior to March 15, 1999 when said sign is repaired without substantial reconstruction.
- B. All freestanding off-premises advertising signs shall be set back not less than 25 feet from the right-of-way line of all streets. All freestanding off-premises advertising signs shall be setback at least 300 feet from an intersection of the Dual Highway and

at least 100 feet from any other intersection. This setback line restriction shall not be applicable to any off-premises advertising sign prior to March 15, 1999 when said sign is being repaired without substantial reconstruction.

- C. No off-premises advertising signs shall be located within 100 feet of a City residential zoning district, and if internally illuminated or digital, within 500 feet of a City residential zoning district. This restriction shall not be applicable to any off-premises advertising sign prior to March 15, 1999 when said sign is being repaired without substantial reconstruction.
- D. No off-premises advertising sign face on a freestanding structure shall exceed a total of 300 square feet per sign face in surface area including trim, nor shall it contain more than one message per face, except for complementary or joint messages.
- E. Freestanding off-premises advertising signs may have one, two, or three faces. Two-faced signs shall have the two faces placed back-to-back. Three-faces signs shall have the faces placed in a triangular configuration.
- F. No off-premises advertising sign face attached to a building shall exceed one square foot per linear foot of the wall it's mounted on with a maximum of 300 square feet permissible. No more than one wall-mounted off-premises advertising sign is permissible per property. Must be mounted flush to the wall.
- G. Digital off-premises advertising signs are permissible provided they are equipped with auto dimming that adjust the brightness to the ambient light at all times of the day and night, hold a stationary image for at least 8 seconds, do not have flashing, moving, or video images, and have a maximum 1-2 second transition time between images.
- H. No freestanding off-premises advertising sign shall exceed 30 feet in height measured from the grade to the highest point of the structure.

§204-7. Maintenance.

All off-premises advertising signs, structures, and faces shall be kept in good repair and properly painted and maintained in a skillful and reasonable manner. All exterior lighting and illumination will be oriented toward the ground. Any plan to substantially reconstruct an off-premises advertising sign or alter the number of type of sign faces on an existing billboard shall only be permissible if in compliance with this Chapter.

§204-8. Prohibited signs.

- A. Regardless of whether any such sign was in existence prior to March 15, 1999, the following off-premises advertising signs are specifically prohibited:

- (1) Portable signs.

- (2) Any signs which include strobing or revolving lights. This prohibition shall not apply to digital signs which are regulated as to image changing in §204-6.
- (3) Rooftop signs
- (4) Signs on or attached to stationary equipment such as semitruck trailers where signing is the apparent principal use of the equipment on either a temporary or permanent basis.
- (5) Any signs which mimic traffic signs or which obscure drivers' view of other traffic.
- (6) Any signs visible from the interstate or a state or federal scenic byway, unless otherwise approved by State Highway Administration (SHA) or Federal Highway Administration (FHA)

§204.9 Enforcement; appeals; violations and penalties.

- A. The provisions of this chapter shall be enforced by the Department. Enforcement actions shall be prosecuted against the owner of an off-premises advertising the sign, the tenant of the property on which the off-premise advertising sign is located, and/or the owner of the property on which the off-premises advertising sign is located. Any person affected by an action of the City for a violation of this chapter shall have 30 days from the date upon which notice is issued to file an appeal, in writing, to the Board of Code Appeals.
- B. Any owner of a sign or landowner upon which a sign is located whose sign does not display the required permit as provided for in this chapter or who otherwise violates any of the provisions of this chapter shall be guilty of a municipal infraction. Pursuant to Article III, Chapter 1, of the City Code, each day the sign exists without a permit or in violation of this chapter shall be a separate offense.
- C. The fine for violation of this chapter shall be \$100 for each initial violation, and \$200 for each day thereafter that the violation continues.

§204-10 Expiration of Off-Premises Designation

Any off-premises advertising sign utilized on a premises to advertise anything which is available or located on said premises for a period of two-years shall lose the designation as an off-premises advertising sign. This sign would be designated as a non-conforming on-premises sign and be subject to the provisions of Chapter 140, Land Management Code.