

# HOUSE BILL 410

L2, L5, L3  
HB 1570/17 – ENV

8lr0773

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By: **Prince George's County Delegation and Montgomery County Delegation**  
Introduced and read first time: January 24, 2018  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–Washington Regional District – Prince George's County – Municipal**  
3 **Authority**

4 **PG/MC 108–18**

5 FOR the purpose of updating an obsolete reference regarding certain concurrent  
6 jurisdiction pertaining to signs in municipal corporations and Prince George's  
7 County; repealing certain provisions of law authorizing a municipal corporation in  
8 Prince George's County to enact certain local laws regulating fences; repealing  
9 certain provisions of law prohibiting the enactment of a local law that is not less  
10 restrictive than certain local laws; correcting a certain reference to the  
11 Maryland–Washington Regional District; authorizing the legislative body of a  
12 municipal corporation in Prince George's County to authorize the erection of a fence  
13 that exceeds certain height restrictions or limitations under certain circumstances;  
14 and generally relating to the authority of municipal corporations in Prince George's  
15 County.

16 BY repealing and reenacting, with amendments,  
17 Article – Land Use  
18 Section 22–203 and 25–303  
19 Annotated Code of Maryland  
20 (2012 Volume and 2017 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Land Use  
23 Section 25–101  
24 Annotated Code of Maryland  
25 (2012 Volume and 2017 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
27 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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**Article – Land Use**

2 22–203.

3 [(a)] A municipal corporation in Prince George’s County shall have concurrent  
4 authority in its boundaries with the county Department of [Environmental Resources,  
5 Licenses and Inspections Group] **PERMITTING, INSPECTION AND ENFORCEMENT**, to  
6 seek compliance with zoning requirements to the extent that the requirements pertain to  
7 signs.

8 [(b)] A municipal corporation in Prince George’s County may enact local laws  
9 regulating fences erected in front of the building setback lines on all residential property  
10 located in the municipal corporation.

11 (c) Any local law enacted under this section may not be less restrictive than any  
12 local law in effect or subsequently enacted by the county council.]

13 25–101.

14 This title applies only in Prince George’s County.

15 25–303.

16 (a) This section applies to land in a municipal corporation that is in the  
17 [metropolitan] **REGIONAL** district and is:

18 (1) zoned for residential or commercial use; or

19 (2) adjacent to residential or commercial zones.

20 (b) (1) Notwithstanding any other law, and for the purpose of preserving,  
21 improving, or protecting the general character and design of lands and improvements in a  
22 municipal corporation, the legislative body of the municipal corporation, by local law, may  
23 impose stricter or additional conditions, restrictions, or limitations than are otherwise  
24 required by State, regional, or county zoning laws or agencies exercising zoning and  
25 planning jurisdiction over the municipal corporation.

26 (2) The stricter or additional conditions, restrictions, or limitations may  
27 apply only to:

28 (i) fences;

29 (ii) residential parking; and

30 (iii) residential storage.

1           (c)    **THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION, BY LOCAL**  
2 **LAW, MAY AUTHORIZE THE ERECTION OF A FENCE THAT EXCEEDS THE HEIGHT**  
3 **RESTRICTIONS OR LIMITATIONS OTHERWISE REQUIRED BY STATE, REGIONAL, OR**  
4 **COUNTY ZONING LAWS OR AGENCIES EXERCISING ZONING AND PLANNING**  
5 **JURISDICTION OVER THE MUNICIPAL CORPORATION.**

6           **(D)**   The legislative body of a municipal corporation may not enact a local law  
7 under this section without holding a public hearing on all issues.

8           **[(d)] (E)**   A municipal corporation that enacts a zoning law in accordance with  
9 this section shall deliver a certified copy of the local law to the district council within 5 days  
10 after the enactment and at least 30 days before the effective date of the local law.

11           **[(e)] (F)**   (1)   If the district council does not approve the local law before the  
12 effective date of the local law, the local law shall be considered disapproved and may not  
13 take effect.

14                   (2)   The local law may not take effect unless approved by the district  
15 council.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2018.