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St. Mary's County Road Ordinance



BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND

Adopted: May 7, 2002
Effective: May 13, 2002

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ARTICLE 1. GENERAL PROVISIONS

1.1 Title

This document shall be known as the “St. Mary’s County Road Ordinance”, and may also be referred to as “the Road Ordinance”.

1.2 Authority

Pursuant to the provisions of Article 25 of The Annotated Code of Maryland, Section 1 and other applicable statutory provisions, the Board of County Commissioners for St. Mary’s County, Maryland (hereinafter, “County Commissioners”) has adopted this Road Ordinance.

1.3 Purpose

The purpose of this Road Ordinance is to establish rules and regulations regarding the construction, maintenance and repair of public roads and of any roads dedicated for public use in St. Mary’s County, Maryland. The Road Ordinance provisions shall govern the grading, construction, improvement, maintenance and repair of public roads and of any roads dedicated for public use, including, but not limited to, sidewalks, curbs and gutters, storm drainage facilities and appurtenances, in St. Mary’s County, and shall establish procedures, standards and specifications for the grading, construction, improvement, maintenance and repair of public roads in order to ensure the orderly layout and construction of roads and related improvements, consistent with the Comprehensive Plan.

1.4 Applicability and Validity

The provisions of this Ordinance shall apply to the development and use of all land within the unincorporated county, unless expressly and specifically exempted or provided otherwise in this Ordinance. No development shall be undertaken without prior authorization pursuant to this Ordinance. All development shall comply with the standards, criteria, and procedures of this Ordinance. Should any Court jurisdiction deem any section, paragraph, sentence or phrase of these regulations invalid, it shall apply only to the part or parts declared invalid and not to the entire Ordinance.

1.5 Minimum Standards

The provisions of this Road Ordinance are minimum standards necessary to accomplish the safe and planned development of transportation needs in St. Mary's County, as determined by the County Commissioners, and nothing herein is intended to prevent any development or land use from exceeding the minimums. Should the interpretation and application of any requirements in this Road Ordinance be found to be in conflict with those imposed by other provisions of law, the more restrictive or higher standards shall prevail.

1.6 Vested Rights

St. Mary’s County recognizes and accepts the standard of vested rights as established by Maryland case law.

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1.7 Grandfathering Provisions

- a. Transitional Provisions. “Transitional Provisions” to be known as grandfathering provisions are hereby adopted to provide for the continuance of certain development activities. For residential subdivisions, the provisions of Chapter 24 of the Subdivision Ordinance shall apply. For site plans and all other development activities, Chapter 27 of the Comprehensive Zoning Ordinance shall apply.
- b. Continuation of Project. Project development may proceed in accordance with the plan approval unless such approval expires as provided above. In the case of expiration, re-approval shall be in conformity with all provisions of this Road Ordinance.

1.8 Effect of Previous Regulations

To the extent that projects are grandfathered under this Article 1, the provisions of the Road Ordinance in effect at the time of project approval shall remain in full force and effect.

1.9 Rules for Construction of Language

- a. A reference to days is to calendar days unless otherwise indicated in this Road Ordinance, or specified by State law. If a deadline falls on a weekend or County holiday, the time for performing an act is extended to the next working day. A working day is defined as any day that is not a Saturday, Sunday, or official County holiday.
- b. Use of “shall,” “will” or “must” is mandatory; “should” is directive, but not binding, and “may” is permissive
- c. Use of “including,” “includes,” “such as,” “additional”, or “supplemental” is illustrative and not intended as an exhaustive listing, unless the context clearly indicates the contrary.

1.10 Conflict with Other Laws and Regulations

Where a conflict occurs between this Ordinance and a state statute or another county ordinance or regulation, the more restrictive provision shall control.

1.11 Severability

If any provision, section, subsection, sentence, paragraph, clause or phrase or portion of this Road Ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Road Ordinance shall not be effected. If any application of this Road Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any said structure, land or water not specifically included in said judgment.

1 **ARTICLE 2. ADMINISTRATION**

2
3 **2.1 Board of County Commissioners**

4
5 In addition to any authority granted by general or special law, the Board of County Commissioners shall
6 have the following powers and duties:

- 7 a. To initiate, review, hear, consider and approve or disapprove the adoption of an ordinance
8 to amend the amend the text of this Road Ordinance; and
- 9 b. To accept streets and other public improvements pursuant to the standards and procedures
10 of this Road Ordinance.

11
12 **2.2 Planning Commission**

13
14 The powers and duties of the St. Mary's County Planning Commission shall include the power and duty to
15 recommend to the Board of County Commissioners the delineation and reservation of lands for dedication
16 or acquisition for public streets.

17
18 **2.3 Board of Appeals**

19
20 The St. Mary's County Board of Appeals shall have the following powers and duties under this Road
21 Ordinance:

- 22 a. To hear and decide appeals where it is alleged there is an error in any order, requirement,
23 decision, or determination made in regard to the enforcement of this Road Ordinance or
24 of any amendments adopted pursuant thereto.
- 25 b. Unless otherwise specified, to authorize, upon appeal in specific cases, a variance from
26 the terms of this Road Ordinance as will not be contrary to the public interest, and where
27 owing to special conditions, the enforcement of the provisions of this Road Ordinance
28 will result in practical difficulty, or unwarranted hardship. Those variances will be
29 allowed that most nearly accomplishes the purpose and intent of the regulations of this
30 Road Ordinance and in accordance with the General Standards for Granting Variances set
31 forth in Chapter 24 of the Comprehensive Zoning Ordinance.

32
33 **2.4 Director of Department of Public Works & Transportation**

34
35 The Director of the Department of Public Works & Transportation (DPW&T), (the "Director"), shall
36 administer the applicable provisions of this Road Ordinance and the appendices referenced herein, and shall
37 have the following duties and responsibilities:

- 38 a. Duties and Responsibilities
 - 39 (1) To approve or disapprove, modifications and written requests for waivers from
40 provisions of this Road Ordinance where specifically authorized; and
 - 41 (2) To provide professional recommendations to the Board of County
42 Commissioners, Planning Commission, Board of Appeals, Soil Conservation
43 District, or other boards, committees and commissions of the County
44 Commissioners upon request; and
 - 45 (3) To provide expertise regarding the adequacy of public facilities (APF) with
46 respect to drainage, site access and public roads; and
 - 47 (4) To serve as a member of the Technical Evaluation Committee, Development
48 Review Forum and provide technical assistance to Boards and Committees; and

- 1 (5) To establish and track appropriate surety / bonding levels (including reductions),
2 collection of fees and schedules (i.e. draw schedules) for the issuance of grading
3 permits, public works agreements, maintenance and restoration bonding, road
4 construction escrows, utility permits, construction right-of-way permits and
5 sediment control measures; and
- 6 (6) To evaluate proposed development plans for relevance to the County's
7 transportation plans and Comprehensive Land Use Plan; and
- 8 (7) To assist the Director of Permits and Inspections in the abatement of nuisances
9 with respect to littering, dumping, obstruction removal and abandoned vehicles
10 along public roads maintained by the County; and
- 11 (8) To make recommendations to the Board of County Commissioners regarding the
12 condemnation, mapping, acceptance, and posting of new public roads, and the
13 improvements, extensions and alterations to existing public roads; and
- 14
- 15 (9) To perform construction inspections and materials testing in accordance with
16 applicable infrastructure requirements, road design standards and specifications.
17

18 b. Records of the Department of Public Works and Transportation Director

- 19 (1) The Director of Public Works and Transportation shall keep records of all
20 applicable permits reviewed, issued and inspected under this Ordinance.
- 21 (2) Official Road Data Index. The Director of Public Works & Transportation and
22 Transportation shall maintain a listing of all County-maintained roadways which
23 shall include but not be limited to the road name, length, width, classification,
24 route number, surface type, traffic count, and posted speed limit.

25 **2.5 Variances**

26 A person may apply to the Director for a variance from the requirements of this Ordinance. An applicant
27 seeking a variance from the requirements of this Ordinance may, however, request the same directly of the
28 Board of Appeals without first applying to the Director of the Department of Public Works and
29 Transportation.

- 30 a. Purpose. The purpose of this Section is to delegate to the Director of the St. Mary's
31 County Department of Public Works and Transportation and the St. Mary's County Board
32 of Zoning Appeals the concurrent authority to apply the standards for variance from
33 requirements of this Ordinance, provided such a variance does not conflict with current
34 State law or regulations. The approving authority shall not grant a variance unless and
35 until sufficient written justification is provided by the applicant and the intent of this
36 Ordinance is met.
- 37 b. Application. A written request for variance shall be submitted to the approving authority
38 by the applicant that states the specific variance(s) sought and sufficient justification for
39 their granting. The application shall contain such additional information as the Director
40 or the Board of Appeals may require.
- 41 c. Standards for Granting a Variance. In making the decision, the Director or the Board of
42 Appeals may grant the variance only in cases where the strict compliance with the terms
43 of this Ordinance would result in unreasonable hardship which have not been caused by
44 the act of the applicant or the applicant's predecessors in title; i.e. no "after-the-fact"
45 application will be processed for administrative variance. Neither the Director nor the
46 Board of Appeals shall grant a variance if to do so would violate the spirit and intent of
47 the regulations, or cause or be likely to cause substantial injury to the public health,
48 safety and general welfare. The Director and the Board of Appeals shall be guided in
49 making this decision by the considerations set forth in Chapter 24 of the Comprehensive
50 Zoning Ordinance, General Standards for Granting Variances.

- 1 d. Decision. If a request for variance is sought from the Director, the Director shall decide
2 the issue raised by the application within fifteen (15) days of receipt of the written
3 request. If a request for variance is sought from the St. Mary's County Board of Zoning
4 Appeals, the Board shall decide the issue raised by the application within a reasonable
5 time after the receipt of the application. The decision shall be in writing and provide a
6 brief explanation of the law, the standards for variance, and facts, which support the
7 decision.
- 8 f. Notice. The applicant shall send notice of the decision by registered or certified mail to
9 all owners of contiguous property (as shown on the latest published property tax records
10 of the Maryland Department of Assessment and Taxation), including lands across any
11 public or private rights-of-way adjacent to the land subject to the application within 15
12 days of the decision. Notice shall be given to each individual property owner if an
13 affected property is held in common ownership. Required notice shall also be given to a
14 municipality if the application concerns land adjacent to its municipal boundaries. The
15 applicant shall provide the Director, in an approved form, with the names and addresses
16 of all property owners required to receive notice of the variance decision pursuant to this
17 Ordinance. The requisite notice shall include sufficient information as to advise a
18 reasonably prudent person of their rights to appeal the decision.
19

20 **2.6 Appeals**

- 21 1. Generally. An appeal of any decision of any official charged with the enforcement of this
22 Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of
23 a written notice of violation, or an alleged failure to properly enforce the Ordinance in regard to a
24 specific application may be filed by:
- 25 a. any person aggrieved by any order, requirement, decision, or determination
26 made in regard to the administration or the enforcement of this Ordinance as
27 may be amended from time to time;
- 28 b. any officer, department, board, or bureau of the County affected by any order,
29 requirement, decision or determination made in regard to enforcement of this
30 Ordinance as may be amended from time to time.
- 31 2. Appeals of Administrative Decisions. Any person having a right to appeal a decision of the
32 Director under subpart 1, *supra*, of this Section may appeal that decision to the Board of Appeals.
33 Notice of the time and place of such hearing shall be in accordance with the procedures set forth in
34 the Rules of the Board of Appeals. An appeal must be filed in writing and state all basis for the
35 appeal with clarity and detail. An appeal shall be timely if filed in writing within 30 days of the
36 date of the final decision, or, if an appeal of an administrative variance, within thirty (30) days of
37 the official transmittal of notice of the final decision in accordance with the notice provisions of
38 **Section 2.5** of this Ordinance.
- 39 3. Appeals of a Decision of the Board of Appeals. Any person having a right to appeal a decision of
40 the Board of Appeals under subpart 1, *supra*, of this Section may appeal that decision to the
41 Circuit Court for St. Mary's County, Maryland. An appeal thusly authorized shall be conducted in
42 accordance with the provisions of Maryland Rules of Procedure governing appeals from
43 administrative agencies. An appeal must be filed in writing and state all basis for the appeal with
44 clarity and detail. An appeal shall be timely if filed in writing within 30 days of the date of the
45 final decision, or, if an appeal of an administrative variance, within thirty (30) days of the official
46 transmittal of notice of the final decision in accordance with the notice provisions of **Section 2.5**
47 of this Ordinance.
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2.7 General Application Procedures

All applications required by the provisions of this Ordinance shall be processed in accordance with the following procedures:

1. Determination of Completeness of Application. Applications for development approvals shall be submitted on the appropriate form set forth in this Ordinance. After receipt of an application, the applicable authority shall determine whether the application is complete. The time period allowed for review of an application shall not begin until the application is determined to be complete. If the application is not complete, the applicant shall be notified in writing, within 7 calendar days, specifying the deficiencies of the application, the additional information that must be supplied, and advising the applicant that no further action will be taken by the County on the application until the deficiencies are corrected.
2. Remedy of Deficiencies. If the applicant fails to correct the specified deficiencies within ten (10) days of the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant.

2.8 Conflict with Other Permits.

Except as provided herein, no permit pertaining to the use of land or buildings shall be issued by any cooperating agency, department or employee unless a zoning permit has been issued by the Planning Director. The provisions of the zoning permit shall supersede any other permits issued in conjunction with or subsequent to it, except where the provisions of another permit(s) is (are) more stringent, the more stringent regulation shall apply. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

1 **ARTICLE 3. ROADWAY DESIGN**
2

3 **3.1 Purpose and Authority**
4

- 5 a. Purpose. The purpose of this Article is to establish permit procedures, standards and
6 specifications for public roads in order to ensure the orderly layout and construction of
7 roads and related improvements, consistent with the Comprehensive Plan.
- 8 b. Authority. The Director shall have the authority to issue permits pursuant to the
9 provisions of this Road Ordinance.
10

11 **3.2. Permits Required Prior to Public Road or Utility Construction**
12

- 13 a. Right-of-Way Construction Permit. No construction of new public roads or
14 improvements to existing public roads within road rights of way shall occur until a Public
15 Works Agreement and Construction Permit is obtained.
16
- 17 b. Utility Permit. No public utility or other person shall dig trench or remove trees within
18 the right-of-way of a public road or cut into the surface of any public road in the County
19 highway maintenance system for the purpose(s) of installation, maintenance or repair of
20 utilities until a Utility Permit has been issued by the Director of Public Works &
21 Transportation and notice has been given in writing to the Director of Public Works &
22 Transportation of the location, nature, duration of operation. The Director of Public
23 Works & Transportation may require appropriate surety before Utility Permit is issued.
24
- 25 c. Grading Permits. A grading permit may be obtained in lieu of a right-of-way
26 Construction Permit in order to perform clearing and sub-base construction. The
27 provisions of Section 3.2a shall be required to commence any additional construction on
28 the roadways, such as the installation of base material and surface course.
- 29 d. Other Permits. All applicable State and federal permits shall be obtained prior to
30 issuance of right-of-way Construction and / or Utility Permits.
- 31 e. Permit Application. Application for a Right-of-Way, Road Construction or Utility Permit
32 shall be made on forms provided by the Director of Public Works and Transportation.
- 33 f. Permit Extensions. The permit holder may make a formal request to the Director of
34 Public Works & Transportation for an extension of the expiration date in accordance with
35 the following:
 - 36 (1) The permit holder shall indicate the reasons and conditions, which necessitate
37 the requested extension by having inhibited him from completing the work
38 authorized under the permit.
 - 39 (2) The permit holder shall have all sureties' consent to the request, and extension
40 of security instrument, if necessary.
 - 41 (3) Upon demonstration of good cause, extensions shall be granted for a period of
42 up to thirty (30) months. Subsequent requests for extensions shall require
43 payment of a fee by the applicant in accordance with the then-current schedule
44 of fees established by the County Commissioners.
 - 45 (4) All other permits required to complete the contemplated improvements,
46 including but limited to, wetlands, sediment and erosion control, must be
47 demonstrated to be approved and current.
 - 48 (5) The permit holder must demonstrate to the satisfaction of the Director of Public
49 Works & Transportation that the extension is in the best interest of the County.

- 1 g. Permit Fees. The fee and bonds for issuance of a Road Construction or Utility Permit and
2 for the inspection of the work shall be as established by the Board of County
3 Commissioners.
- 4 h. Emergency Cut. In case of work necessary to address an emergency threatening public
5 health, safety and welfare within the right-of-way of a public road in the County highway
6 maintenance system, a permit is not required. However, notice shall be given to the
7 Director of Public Works & Transportation as soon as practicable, but not more than 12
8 hours after the work is commenced.

9

10 **3.3 Standards and Obligations**

11

- 12 a. Standards and Conditions. As a condition of approval, the Director of Public Works &
13 Transportation may authorize or require variations of Standards and Specifications in
14 accordance with good engineering principles if site conditions make such variation
15 necessary.
- 16 b. Construction. The applicant is responsible for constructing curb and gutter, sidewalks,
17 storm drainage, pavement widening, driveway aprons, and sod adjacent to existing
18 County roads as to the portion of same the development fronts on. The classification and
19 function of the road upon which the development fronts shall determine the level of
20 improvements.
- 21 c. Restoration of Road Base and Surface. Road bases and surfaces shall be restored to their
22 former condition, and paving failures and settlements due to a utility cut shall be repaired
23 prior to acceptance of the road into the County maintenance system. Repairs to cut areas
24 shall be made in conformance with the applicable standards and specifications.
- 25 d. Repair and Maintenance Bond. A Road Repair and maintenance bond may be required
26 by **Section 3.6** of this Road Ordinance to ensure maintenance provisions for existing
27 roadways are secured, to protect infrastructure from repairs necessitated by construction
28 of new developments and/or the operational activities from existing properties.

29

30 **3.4 Road Plan Requirements**

31

- 32 a. Required Plan Information. The applicant shall prepare and submit to the Director of
33 Public Works & Transportation plans of the proposed work and demonstrate compliance
34 with the Format Guidelines for Development Plan and Plat Submissions issued by the
35 Director of the Department of Public Works & Transportation, as amended from time to
36 time.
- 37 b. Proposed Grade. The proposed road profile shall be provided on the submitted plans and
38 profile sheets. Such plans shall show adjacent properties (with lot and block
39 designations) and topography on the plan views, and the proposed grade with vertical
40 curve information, curb fillet profiles, existing ground lines at the centerline and both
41 right-of-way lines on the profile sections.
- 42 c. Drainage. The drainage plan shall show all storm drainage facilities in plan and profile, as
43 well as all property lines, curb lines, utilities, ground profiles and other pertinent features.
44 Complete design data shall be submitted for all storm drainage including road stationing
45 and offset to all drainage structures and other improvements that do not conform with the
46 typical sections and standards contained herein. Appropriate hydrologic, hydraulic,
47 geometric, structural and other design computations shall accompany all submissions.
- 48 d. Plan Signature. All plan sheets submitted for approval shall be prepared by a Registered
49 Professional Engineer or Land Surveyor licensed to practice in Maryland and shall be
50 stamped by a Professional Engineer licensed to practice in Maryland.

- 1 e. Plan Approval. Approval of the plans by the Director of Public Works & Transportation
2 shall be indicated by signature on the plan cover sheet. Plans may be approved for
3 various phases such as profile grade, storm drainage, and paving details, however, no
4 onsite work or construction associated with such an approval may begin prior to
5 recording of the final subdivision plat or approval of the final site plan and payment of
6 requisite fees and posting the required security instruments.
- 7 f. Cross Sections and Quantities. Cross-sections shall be required across existing roadways
8 for the design of widening and other frontage improvements. Cross sections shall be
9 taken at least every 50 feet and at all abrupt terrain breaks where the algebraic grade
10 difference is four percent or greater. The centerline and profile grade line shall be
11 stationed correspondingly. The design engineer shall provide quantity and construction
12 cost estimates. These estimates shall include all quantities for grade, paving, curb and
13 gutter, etc., shall be tabulated as directed on forms provided by the Department of Public
14 Works & Transportation and shall be utilized for purposes of review in order to establish
15 the appropriate level(s) of financial security.
- 16 g. Additional Data. The Director of Public Works & Transportation may require necessary
17 additional data, (i.e., design reports), pertinent to the scope of the work covered by the
18 permit. All design reports and support data shall be signed and sealed by a Professional
19 Engineer and shall clearly state the name, company and phone number of the individual
20 responsible for the work.

21
22 **3.5 Plan Revisions**

23
24 Any proposed revision to approved plans and profiles shall be submitted to and approved by the Director of
25 Public Works & Transportation. The following procedures shall be required for the submission and
26 approval of a revision:

- 27
28 a. A letter of transmittal shall accompany each revision submitted for review and approval,
29 describing the revision in detail and its general location; and
- 30
31 b. The submitting engineer shall seal and date certify all revisions to ensure that no other
32 changes have been made on the plan or profile except those previously approved; and
- 33
34 c. All revisions under this **Section 3.5**, shall be clearly shown and circled in red; and
- 35
36 d. A revision block shall be incorporated as part of the title block for a plan or profile sheet.
37 Revisions shall be indicated by a numbered “delta” in the vicinity of the change on the
38 plan and described in the revision block beside the corresponding number.

39
40 **3.6 Performance & Maintenance Bonds**

- 41
42 a. General Requirements. No permit for the construction of a road and/or related
43 improvements or any work within the right-of-way of a public road in the County
44 highway maintenance system shall be issued until the applicant has posted cash or bond
45 with an approved corporate surety, or an acceptable assignment of funds in favor of the
46 Board, or an irrevocable letter of credit issued by a financial institution approved by the
47 County.
- 48
49 b. Stormwater Management Bond. Where the road construction and development require
50 stormwater management according to the provisions of this Ordinance, a stormwater
51 management bond must be submitted prior to the execution of the Public Works
Agreement.

-
- 1 c. Exceptions. If the engineer's estimated cost of the work is less than \$1,000.00, personal
2 security will be accepted provided that the applicant is the owner of the parcel for which
3 the permit is being applied and the construction is residential in nature for the personal
4 use of the applicant.
- 5 d. Quantities and Cost Estimates. The Design Engineer shall submit with a permit
6 application a tabulated estimate of all quantities and costs, including inspection fees and
7 contingent items, for all storm drainage facilities, soil erosion and sediment control
8 measures and stormwater management facilities. The Department of Public Works &
9 Transportation shall establish the format and unit costs to be utilized by the applicant's
10 engineer in preparing the estimate.
- 11 e. Performance Bonds. A cash or acceptable corporate bond or irrevocable letter of credit
12 issued by a financial institution approved by the County equal to the total cost of the
13 project as estimated by the applicant's Design Engineer, and verified by the Director of
14 Public Works & Transportation, plus ten percent (10%) for contingencies, shall be
15 furnished by the applicant, prior to record plat approval by the Department, guaranteeing
16 the satisfactory completion of all work authorized and incidental to the permit. Upon
17 acceptance by the County Commissioners of the work covered by the permit, the Director
18 of Public Works & Transportation shall certify such performance bond as being
19 discharged.
- 20 f. Repair and Maintenance Bonds. Upon acceptance of the roadway and storm drainage
21 systems, the applicant shall be required to post a Maintenance Bond with St. Mary's
22 County in an amount equal to ten (10) percent of the construction cost as estimated by the
23 design engineer, and verified by the Director of Public Works & Transportation. The
24 Maintenance Bond is to cover latent defects in the roadway and storm drainage facilities
25 and damages resulting from construction equipment and vehicles during the term of the
26 Bond. The Maintenance Bond shall be maintained in the requisite amount for one (1)
27 year or longer if defects are detected and not corrected during the 1-year period, until six
28 (6) months after the approved completion of repairs.
- 29 g. Cash Agreements. In lieu of filing a bond, any person may enter into an agreement with
30 the County, subject to approval of the County Commissioners, providing that the
31 applicant shall deposit in a depository approved by the County, such sum of money as is
32 estimated by the applicant's Design Engineer, and verified by the Director of Public
33 Works & Transportation, to be the total cost of all work authorized and incidental to the
34 permit, including contingencies. The agreement shall itemize the several phases of the
35 work. Upon completion of each phase, the applicant shall notify the Director of Public
36 Works & Transportation in writing that work requiring inspection has been completed.
37 The County Commissioners may release to the applicant any installment due under the
38 terms of the agreement upon the receipt of a certificate signed by the Director of Public
39 Works & Transportation, certifying that the work or a phase of the work has been
40 performed by the applicant according to this Article, as well as other applicable laws,
41 ordinances and regulations, and that the applicant is entitled to the installment due for
42 completion of such work. Upon final completion of all work for which the permit is
43 issued, a final certificate shall be issued and, upon acceptance of the road by the Board,
44 the final payment shall be made to the applicant. The final draw of payment under the
45 terms of the agreement shall in no event be less than twenty-five (25) percent of the total
46 cost of the project.
- 47 h. Acceptance of Security Instruments. Before acceptance, all bonds, irrevocable letters of
48 credit or acceptable assignment of funds shall be approved by the Director of Public
49 Works & Transportation, the County Attorney and the County Commissioners. All
50 bonds, irrevocable letters of credit or assignment of funds covering construction filed
51 hereunder shall be released upon, but not before, acceptance of the completed road by the
52 County.

1 **3.7 Roadway Design Standards**

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- a. General. All material standards, specifications, methods of construction, and methods of measurements shall be in accordance with the "Standard Specifications for Construction Materials", Maryland Department of Transportation, State Highway Administration, as amended. The Director of Public Works & Transportation shall be responsible for interpretations of such state specifications and standards and the standards established in this Ordinance. The Director of Public Works & Transportation shall require compliance with the Manual of Design and Construction Standards, as amended from time to time and any other technical guidance material approved by the Director of Public Works & Transportation. Any request to modify these typical sections shall be forwarded to the Director of Public Works & Transportation in writing by the design engineer, and shall include adequate justification as to why such modifications are necessary. In the event an item(s) proposed to be constructed is not addressed within the State Highway Administration Specifications or contained in this Ordinance, the design engineer shall submit special provisions to the Director of Public Works & Transportation for review and approval.

- b. Permitted Materials.
 - (1) Storm Drains. Bituminous coated corrugated metal pipe (BCCMP) and corrugated metal pipe (CMP) are hereby prohibited in the construction of public roads under the provisions of this Article. Only aluminized corrugated metal pipe, structural plate pipe and reinforced concrete pipe are allowed on a general basis, although non-aluminized corrugated metal pipe may be used for driveway culverts. Only reinforced concrete pipe is allowed, on a general basis, for the construction of public closed storm drain systems. Plastic pipe, PVC pipe and corrugated aluminum alloy pipe may be approved by the Director of Public Works and Transportation, on a case by case basis.
 - (2) Culverts. Culverts shall be constructed of reinforced concrete pipe or structural plate arches. Roadway embankments used as stormwater management facilities shall be in conformance with the Stormwater Management, Grading, Erosion and Sediment Control Ordinance. As set forth in the Stormwater Management, Grading, Erosion and Sediment Control Ordinance, Class IV reinforced concrete pipe must be used in traffic bearing areas of public roads.
 - (3) Gauge. The minimum gauge of any metal pipe used in a public roadway right-of-way shall be that which has a 50-year design life for site and soil conditions, but in no event shall such pipe be thinner than Gauge 14 CMP. The use of Gauge 12 or thicker Aluminized-CMP will preclude the need for supporting data (i.e., pH / resistivity testing). Reinforced concrete pipe must be used when the pipe slope is 10 percent or greater. Unless otherwise approved, a minimum Class IV reinforced concrete pipe shall be used in the construction of public roads.

- c. Soil Conditions. Standards for construction of pavement sections as set forth herein are based upon a minimum sub-grade value of CBR 5, (California Bearing Ratio). Where the sub-grade is less than CBR 5, as determined by the Department of Public Works & Transportation after sub-grade compaction, reinforcement of sections will be performed as approved / directed by the Director of Public Works & Transportation and based on recommendations by the permittee's professional engineer. No public roads will be approved where the CBR is less than 3.

- d. Grading and Stabilization. All land within the right-of-way and all construction easements (slope, drainage, etc.) shall be graded and stabilized using methods and materials that will insure stabilization and practicality of maintenance. Such methods and

- 1 materials shall be specified within the plan submittals. The established grade shall be the
2 top of curb for closed street sections (urban) or the centerline for open road sections
3 (rural). Paved driving surfaces shall be crowned with a pitch from centerline of pavement
4 of 1/4" to 1' (2%).
- 5 e. Shoulders. Where shoulders and open drainage sections are proposed or required, the
6 shoulder section shall be detailed as shown in the Manual of Design and Construction
7 Standards, as amended from time to time, depicting typical sections. In addition, the
8 following standards shall apply:
- 9 (1) Shoulders are to be paved for their full width to a point extending a minimum of
10 ten (10) feet beyond all intersection fillets, in accordance with the typical
11 pavement sections and standards herein.
- 12 (2) Gravel shoulders shall be graded to a pitch of 1/2" to 1' (4%), from edge of
13 pavement to edge of shoulder. Turf shoulders shall be graded to a pitch of 3/4"
14 to 1' (6%). Surface treated, crusher run, or gravel shoulders are desirable and
15 may be required for all proposed major collector and arterial roadways.
- 16 f. On-Street Parking. Where parallel, on-street parking is proposed, a minimum parking
17 lane of 8 feet in width shall be provided on one or both sides. No on-street parking shall
18 be permitted on arterial roads at any time. This section shall not preclude the Director of
19 Public Works & Transportation from recommending that the County Commissioners
20 restrict on-street parking on other public roads as safety or operational issues require, and
21 may temporarily exercise his authority during snow and ice control operations.
- 22 g. Landscaping. For all public roads where roadside trees do not exist or are not
23 salvageable, and where buffers are not proposed on the development property, street trees
24 shall be planted within the right-of-way in accordance with the following criteria:
- 25 (1) When the distance between the back of the curb and sidewalk is 6 feet (6') or
26 greater, trees shall be centered between the curb and the sidewalk.
- 27 (2) When the distance between the back of the curb and sidewalk is less than 6 feet
28 (6'), trees may be planted three feet (3') from the sidewalk in the direction away
29 from the road.
- 30 (3) Trees shall be planted a minimum of ten feet (10') from the edge of paved
31 surface where there is no sidewalk. Trees shall not be planted within the limits
32 of defined drainage areas that receive concentrated flows such as roadside
33 ditches and out-fall channels.
- 34 (4) Where median trees are proposed, trees shall be planted a maximum of fifty feet
35 (50') apart, and shall be a minimum of a two-inch (2") caliper. Median trees
36 shall be a minimum of 1 1/2 inch caliper, spaced thirty feet (30') on center
- 37 (5) Trees shall be placed a minimum of 30 feet (30') from all proposed signs, and
38 shall be located and trimmed to provide visibility of the sign by the motoring
39 public.
- 40 (6) Proposed utility and street light locations shall be considered when locating the
41 trees.
- 42 (7) Any planting and staking of landscaping within the right-of-way shall be in
43 accordance with the Maryland State Highway Administration's "Standards for
44 Highways and Incidental Structures".
- 45 (8) Trees shall be in accordance with the Recommended List of Trees for Roadside
46 Streetscape Planting as shown in the Manual of Design and Construction
47 Standards, as amended from time to time.

1 **3.8 Alignment**
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3 Roads shall be centered and constructed within the dedicated public right-of-way wherever possible. Where
4 approved planning documents indicate a need for future divided roadway, the right-of-way shall be sized
5 and first lane shall be placed off center to accommodate the ultimate divided roadway. Easements shall not
6 be accepted to make up the minimum required right of way if any construction is proposed thereon. Slope
7 and construction easements shall be provided where required.
8

9 a. Horizontal Alignment (curvature).

- 10 (1) The minimum intersection stopping sight distance for the various functional
11 classifications of streets shall be as depicted on tables contained in the Manual
12 of Design and Construction Standards, as amended from time to time.
- 13 (2) Curves shall have sufficient arc length, not less than 200 feet, to provide a
14 smooth flowing alignment.
- 15 (3) Horizontal curve data shall be computed by the arc definition of a circular curve.
- 16 (4) A tangent length of at least 100 feet of arc length shall be used between reverse
17 curves except where permitted by the Director of Public Works &
18 Transportation in unusual situations.
- 19 (5) Tangents should not be introduced between two curves, in the same direction
20 unless the length of the tangent is greater than 500 feet.
- 21 (6) Broken back curves (two curves in the same direction separated by a short
22 tangent) and compound curves shall be avoided. In compound curves, the radius
23 of the flatter curve shall not be more than 1.5 times greater than the radius of the
24 sharper curve.
- 25 (7) On all urban roadways, a minimum horizontal separation of 2 feet or wider
26 beyond the face of the curb to any above ground structures shall be provided. On
27 all rural roadways, a minimum clear zone of 10 feet, measured from the edge of
28 pavement on the through-traffic lane, shall be provided.

29 b. Vertical Alignment (Grade).

- 30 (1) The maximum longitudinal grade of streets shall be as indicated in this
31 Ordinance and the Manual of Design and Construction Standards, as amended
32 from time to time. Maximum centerline grade in cul-de-sacs may not exceed 4
33 %.
- 34 (2) The minimum grade in the ditch line along rural streets shall be 0.75 percent,
35 and 0.50 percent along urban streets. Gutter extensions may be required, at the
36 discretion of the Director of Public Works & Transportation across intersections
37 where minimal grades are utilized.
- 38 (3) Vertical curve lengths shall be designed to provide at least the minimum
39 stopping sight distance required for the road design speed. Crest vertical curves
40 shall be designed for a design speed of at least 30 MPH.
- 41 (4) Vertical curves shall be used in changes of grade exceeding 1 percent. The
42 minimum length of vertical curves shall be 100 feet. Grade breaks, high points
43 and low points with corresponding elevation are to be shown on profile and on
44 plan views. No grade breaks shall be allowed within a vertical curve.
- 45 (5) If a roadway is intended to be extended with the development or into the
46 abutting property, the proposed grade and existing profiles for the future
47 extension shall be shown for a distance of at least three hundred feet (300').

- 1 c. Super-elevation.
2 (1) Public roads within the boundaries of subdivisions and public roads within
3 commercial and industrial developments shall not be super-elevated;
4 (2) The maximum rate of super-elevation for other public roads shall be 6 percent.
5 (3) Super-elevated pavements shall be rotated around the centerline, except where
6 this procedure would adversely affect adequate storm drainage design.
7
8 (4) Two-thirds of the super-elevation transition shall be accomplished on the
9 tangent. The design engineer shall provide the necessary super-elevation tables
10 and critical sections on the design plans.

- 11 d. Sight Distance.
12 (1) Adequate sight distance shall be based on the ability for a vehicle to enter the
13 main stream of traffic without interrupting the flow of traffic in accordance with
14 the Manual of Design & Construction Standards and the Maryland State
15 Highway Administration Manual of Design and Construction Standards, as
16 amended from time to time and may be adjusted for roadway grades in
17 accordance with AASHTO guidelines.
18 (2) Minimum stopping sight distance, as shown in the Manual of Design &
19 Construction Standards, shall be provided on all streets. The stopping sight
20 distance requirements shall be based on stopping distance with a height of eye of
21 three feet, six inches and height of object of two feet.
22 (3) Where there are sight obstruction such as buildings, trees, hedges, walls,
23 guardrail or cut slopes, approval may be granted where efforts are made to
24 provide as long a sight distance as feasible, but never where less than the safe
25 stopping sight distance. The height at which sight is obstructed shall be the
26 actual height, if known, or the assumed height, which for vegetative cover, is
27 normally one (1) foot.
28 (4) For entrances and intersections, sight distance requirements are based on the
29 posted speed limits of the predominant street involved in the intersection, and on
30 a height of eye of three feet, six inches and height of object of four feet, three
31 inches, measured each way.
32 (5) Profiles of existing roads must be shown for the applicable sight distance length
33 or a minimum of 300 feet beyond the limits of construction, whichever is
34 greater.

- 35 e. Street Intersections.
36 (1) "Standards for Street Intersections" are depicted on plates approved by the
37 Director of Public Works & Transportation in the Manual of Design &
38 Construction Standards, as amended from time to time.
39 (2) The typical pavement cross-section of the primary road shall be maintained and
40 held constant between the pavement and / or curb returns of the intersecting
41 roadway(s). The profile and cross-section of the secondary road shall be
42 designed and adjusted to fit.
43 (3) Right angle intersections shall be used, wherever practicable. No new public
44 road shall intersect any other street at less than a 75-degree angle.
45 (4) When proposed pavement adjoins an existing pavement, edges must be saw-cut
46 and binder applied to assure a smooth joint. Existing roadway will be evaluated
47 by the design engineer and the Department of Public Works & Transportation to
48 determine the need for overlay or extent of rehabilitation work. Pavement

1 corings shall be conducted by the applicant to determine the existing pavement
2 section and its sufficiency to accommodate the traffic loading.

3 (5) Approach grades to all street intersections shall be reviewed by the Director of
4 Public Works & Transportation. The cross slope of the preference street shall be
5 continued through the intersection for an approach leveling area (at a 4%
6 maximum grade) of at least 75 feet (measured from the intersection of the
7 centerlines). The algebraic difference of the grade break shall not exceed 6%. In
8 cases where the intersection include either collector or arterial roads, the design
9 criteria established by the State Highway Administration and contained in the
10 Rules and Regulations for Commercial, Subdivisions, Industrial, and Residential
11 Entrances, as amended, shall apply.

12 (6) Acceleration, deceleration, channelization, and bypass lanes at an entrance to or
13 within a proposed development may be required at the discretion of the Director
14 of Public Works & Transportation. The necessity for such shall be based upon
15 the Manual of Design and Construction Standards, the ultimate size of the
16 proposed development and the safe functioning of the streets and roads (i.e.,
17 traffic volumes, speeds, roadway capacity, available sight distance and angle of
18 the intersections).

19 (7) Temporary traffic control and street signs shall be installed after the gravel base
20 has been prepared or when the first dwelling is occupied, whichever first occurs.

21 (8) The use of "T" intersections and loop streets to minimize the number of cul-de-
22 sac termini for interior subdivision streets is strongly encouraged. Where road
23 frontage is available and adequate intersection separation is obtainable, all
24 subdivisions of twenty-five (25) or more lots shall have two (2) means of
25 ingress and egress to an existing public road.

26 (9) To the fullest extent possible, streets shall not intersect major collectors and
27 arterials at intervals less than 750 feet. For lower classification roadways, a
28 minimum separation of 250 feet, measured between centerlines, is required.

29 (10) Streets entering opposite another street (where the frontage roadway is a local,
30 minor, collector, major collector or arterial) shall be laid out either directly
31 opposite one another or with a minimum offset, depending upon the
32 classification of the frontage roadway, of (125', 175', 250', 325') between their
33 centerlines, respectively.

34 f. Crossover spacing. The Board of Appeals may grant a variance of the minimum
35 crossover spacing after an individual study, and with the recommendation of the Director
36 of Public Works & Transportation. If significant traffic generating locations are not
37 present on the side street(s), then crossovers are not to be shown on the plans. The
38 following crossover spacing requirements shall apply to all roadways with a median
39 divider:

Table 3.1 Minimum Crossover Spacing

Design Speed of Roadway (miles per hour)	Minimum Crossover Spacing (feet)
55	1,000
50	900
45	700
40	600

42

-
- 1 g. Cul-de-Sacs, "T" Turnarounds and Roundabouts.
- 2 (1) Permanent dead-end streets shall have a cul-de-sac, or permanent "T"
- 3 turnaround, constructed as shown in the Manual of Design & Construction
- 4 Standards, as amended from time to time.
- 5 (2) Temporary dead-end streets resulting from phased development shall have a
- 6 temporary "T" turn-around constructed in lieu of a cul-de-sac or permanent "T"
- 7 turnaround in accordance with an approved phasing plan. A temporary "T" turn-
- 8 around may also be provided when the road construction plans for the adjoining
- 9 section of the development has been approved and bonded.
- 10 (3) Roundabouts shall be designed in accordance with the State Highway
- 11 Administration's "Roundabout Design Guide" with modifications as required by
- 12 the Director of the Department of Public Works & Transportation.
- 13 (4) The maximum length for dead end and cul-de-sac streets shall be 600 feet as
- 14 measured from the centerline of the cross street to the center of the turnaround
- 15 center of the radius. The use of "T" intersections, loop roads and multiple
- 16 access points shall be utilized, to the extent practicable, in the design of
- 17 subdivisions.
- 18 h. Curbs, Gutters, Medians, Traffic and Pedestrian Refuge Islands.
- 19 (1) Where required, concrete curb and gutter shall conform to the standards shown
- 20 on plates the Manual of Design & Construction Standards, as amended from
- 21 time to time.
- 22 (2) The minimum design grade of a concrete gutter, where required or proposed,
- 23 shall be one-half of one percent (0.5 %). The as built grade shall not be less
- 24 than 0.2% at any point.
- 25 (3) All unpaved areas within the travel lanes of a public road right-of-way and with
- 26 an area of at least 75 square feet must be raised and bounded by concrete curb or
- 27 combination curb and gutter. The pitch of the gutter pan may be reversed for
- 28 drainage purposes, such as with a super-elevation section or the high side of a
- 29 crown section at the median island.
- 30 (4) Minimum curb tangent length between entrances and property lines shall be
- 31 5 feet.
- 32 (5) Minimum nose curb radius rounding shall be 2 feet. The approach nose shall be
- 33 offset a minimum of 2 feet from the edge of the travel lane.
- 34 (6) For handicapped access, raised islands shall be cut through level with the street
- 35 or have ramps at both sides and a level landing area of at least 48 inches in
- 36 length & width. Handicapped ramps shall comply with State and federal
- 37 requirements and have a textured non-skid surface.
- 38 (7) Valley gutters shall be used only where approved by the Director of Public
- 39 Works & Transportation, but will normally be permitted where no more than 2
- 40 cubic feet per second (cfs) of runoff flows across an intersection.
- 41 (8) All divisional islands 4 feet or less in width, as well as triangular islands less
- 42 than 150 square feet, shall be paved with a concrete surface. A monolithic
- 43 design may be required at the discretion of the Director of Public Works &
- 44 Transportation.
- 45 (9) Plantings and ornamental trees having a branching height of less than 5 feet
- 46 within a curb island or median and that impede the required sight distance are
- 47 prohibited. The County reserves the right to perform removal and/or
- 48 maintenance if required.

(10) Curb return profiles shall be shown on all public road plans, where any of the intersecting street grades are two percent (2%) or less.

3.9 Pedestrian and Bicycle Facilities

- a. Standards for subdivisions with public roads shall be in accordance with the Manual of Design and Construction Standards, as amended from time to time, and the requirements of this section.
- b. Sidewalks, walking paths, and bike paths shall be required as a part of planned roadway systems and shall be designed to connect to cultural resources and other public and private sites in adjacent development projects in accordance with the connectivity provisions in the Zoning Ordinance.
- c. Sidewalks to be maintained by the County are to be constructed using Portland cement concrete with a 28-day design compressive strength of 3,000 pounds per square inch (psi) and a minimum thickness of 4 inches.
- d. A sidewalk or paved walkway shall be constructed on all streets of the proposed subdivision, including; all reverse or side frontage lots and open space, where a subdivision is within 1 mile of an elementary school and / or within 1.5 miles of an intermediate or high school and shall extend to and include the limits of required frontage improvements along existing public roads. Sidewalks at transit and bus stops shall be a minimum of 8 feet wide and may abut the curb.
- e. Safety Considerations. The safety of pedestrians shall be a prime consideration in sidewalk design.
 - (1) Except at transit and bus stops, a utility strip with a minimum width of 2 feet is required between the edge of the sidewalk and the back edge of the curb. The actual separation should be a safety consideration by the design engineer, and shall be a consideration in the approval process.
 - (2) No sidewalk shall be constructed directly adjacent to street pavement(s).
 - (3) Sidewalk shall be located as far away as practicable from the traffic lanes, but within the right-of-way. Two-way trails parallel to rural ditch section roadways shall be constructed on the far side of the ditch.
 - (4) Bicycle facilities shall have an unobstructed vertical clearance of not less than 8 feet.
 - (5) In pedestrian oriented commercial and mixed-use developments, the sidewalk width shall be a minimum of 8 feet in width.
 - (6) In accordance with the Comprehensive Plan, bicycle lanes shall be considered and incorporated, as required, into the planning and development of new roads, road improvement projects, and as necessary amenities to be provided in growth areas, major subdivisions and commercial developments. Bicycle lanes within or immediately adjacent to a roadway shall be designed for bicycle flow in the same direction as the adjacent vehicular traffic.
 - (7) For rural, public roadways serving local traffic, pavement width shall be increased by at least 8 feet on roads classified as minor collector or higher and 4 feet on other rural public roads shall be provided. A minimum unimproved shoulder of 18 inches shall also be provided for stabilization and edge clearance in accordance with the Manual of Design and Construction Standards.
 - (8) Where two-way pedestrian and bicycle facilities are combined, the minimum width shall be 8 feet. Where combined one-way pedestrian and bicycle facilities are separated from a roadway travel lane by only a white line, they shall be a minimum of 6 feet wide.

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- (9) Crosswalks may be warranted due to a combination of roadway vehicular volume, pedestrian crossing volume, speed limit along the approach, and traffic controls at the crossing as depicted in Manual of Design and Construction Specifications, as amended from time to time. The use of crosswalks may be warranted: where there is substantial conflict between motorists and pedestrian movements; when the best location for pedestrians to cross may be unclear due to geometric or traffic operational conditions; in high volume pedestrian areas such as town centers, village centers and development districts; at approved school crossings; at signalized intersections; or as otherwise justified. The following locational criteria shall be applied to all proposed crosswalks
 - i. Mid-block crossings are not normally installed if an intersection is within 400 feet of the proposed mid-block location.
 - ii. A crosswalk proposed at an intersection shall not be located closer than four (4) feet from the nearest edge of pavement of the parallel road.
 - iii. Pavement markings and signage shall be in accordance with the Manual on Uniform Traffic Control Devices and the Maryland Supplement to the Manual, as amended.

3.10 Bridge Design Standards and Specifications

- a. General. The structure selected shall be the one, which provides the most satisfactory service by the most economical means through the structures useful life. The minimum design loading for bridges shall be in accordance with AASHTO Guidelines for non-inventoried structures, and Maryland State Highway Administration standards for inventoried structures.
- b. Permitted Materials. In general, structural steel, reinforced concrete, pre-cast concrete box culverts, structural pipe / steel arch culverts and pre-stressed concrete structures are permitted. Glulam and composite bridge structures may also be permitted when approved by the Director of Public Works & Transportation. A repair and maintenance bond shall be posted and maintained by the applicant build-out of the entire development plus one (1) year, but never less than five (5) years.
- c. Location and Alignment. Bridges shall be located and aligned perpendicular to the natural waterway as nearly as possible. Skew angles shall be minimized.
- d. Curves. Horizontal and vertical curves, which would affect the alignment of the structure, shall be avoided in the design of the approach roads.
- e. Hydraulic Performance. The design engineer shall consider and report the hydraulics, stability and effect of upstream and downstream properties and channels within the watercourse. The effect of the headwater conditions on properties upstream of the structure(s) must be evaluated and reported by the design engineer.
- f. Elevation. The underside of the superstructure shall be a minimum of 2 feet above the design high water elevation.
- g. Approach. The approach roadway (traveled way plus shoulders) shall be carried across the structure. Sidewalks shall be carried across a bridge if the approach roadway has sidewalks.
- h. Certification. At the applicant's expense, plans must be certified by a structural engineer and work inspected by a qualified structural engineer, who must also certify the as-built plans. The Director of Public Works and Transportation may waive inspection and

1 certification requirements for pre-cast structures. Any consultant fees incurred by the
2 Department of Public Works and Transportation for review of structural plans shall be
3 reimbursed by the applicant.

4 i. Loading. For all bridge simple spans less than 35 feet in length, an AASHTO HS27
5 design loading shall be used in all analysis. Bridge spans 35 feet and greater in length,
6 shall use an HS 25 design loading in all analysis. All pedestrian structures shall be
7 designed for 85 pounds per square foot live load, plus actual dead load, including 15
8 pounds per square foot for the use of steel stay-in-place bridge deck forms, as may be
9 applicable.

10 j. Aesthetics. The State Highway Administration Aesthetics Bridges Users Guide shall be
11 utilized as a guideline for all proposed bridge structures.

12 k. Pedestrian Bridges. Pedestrian bridges shall not be greater than 8 feet in width, except for
13 trails wider than 6 feet, for which the pedestrian bridge shall be 2 feet greater than the
14 width of the trail. Pedestrian bridges shall be prefabricated using standardized steel truss
15 design with pressure treated timber decking. Alternative designs may be approved for
16 spans greater than 50 feet. Any consultant fees incurred by the Department of Public
17 Works and Transportation for review of structural plans shall be reimbursed by the
18 applicant.

20 3.11 Traffic Control and Traffic Calming

21
22 a. Signs and Markings. Street signs and traffic control signs including but not limited to
23 speed limit, stop and yield signs shall be made of high intensity sheeting and installed by
24 the applicant as directed by the Director of Public Works & Transportation.

25 (1) Street signs shall be installed for all public and private street intersections.
26 Installation shall be in accordance with the Manual on Uniform Traffic Control
27 Devices and the Maryland Supplement to the Manual, as amended, and the
28 plates as approved by the Director of Public Works & Transportation. Street
29 name signs and appropriate traffic control signs shall be installed prior to the
30 issuance of a Certificate of Occupancy for any lot on that street, and prior to the
31 completion of the first asphalt paving course.

32 (2) If more than two (2) lanes are proposed, a road striping plan shall be submitted
33 with the permit application.

34 (3) Where signal warrants are met during the build-out period of a development, the
35 installation of underground conduits and signal supports may be required during
36 the initial construction, or an appropriate escrow of monies, so as to reduce the
37 cost of and disruption of traffic caused by installation of signal system and/or
38 utility crossings when they are installed in the future.

39 (4) In areas where speed and traffic volume conditions warrant, the County may
40 require the installation of traffic calming measures such as speed humps, edge
41 striping, traffic circles, etc. The applicant can preclude or avoid the need for
42 such structures by using curvilinear roadway designs to manage traffic speeds.

43
44 b. Street Lighting. Street lighting may be requested by the applicant or required by the
45 Director of Public Works & Transportation within developments, crime “hotspots”, and at
46 intersections to ensure the safety of vehicular and pedestrian traffic and the security of
47 property owners. Lighting shall not be required or permitted for development in the RPD
48 unless specifically approved or required by the Director of Public Works &
49 Transportation to address safety concerns. Lighting shall be installed in accordance with
50 the Manual of Design and Construction Standards as amended from time to time.

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- c. **Guardrail / Barricades.**
 - (1) Guardrails shall be erected on roadways at points of extreme hazard to a vehicle leaving the traveled portion of the roadway. Generally, guardrails may be required at fills when the slope ratio is steeper than 3 to 1; where obstacles such as bridges, piers and sign supports exist or are planned within 30 feet of the edge of pavement, or for other non-traversable roadway hazards such as streams. The Director of Public Works & Transportation shall consult, AASHTO's Roadside Design Guide, but may exercise discretion, regarding the need and placement of guardrail. Guardrail shall be installed in accordance with the Maryland State Highway Administration's Book of Standards.
 - (2) Where roadway construction ends in fill areas, or where permanent T-turnarounds are proposed, guardrail W-beam barricades shall be erected in accordance with the Maryland State Highway Administration's Book of Standards. Alternatives may be approved by the Director of Public Works & Transportation in accordance with State standards, or as depicted in the Manual on Uniform Traffic Control Devices and Maryland Supplement to the Manual.

3.12 Geotechnical and Utility Requirements

- a. **Requirements.** In certain areas of the County there are potential soil problems and high water table conditions. Where such conditions are identified, a geotechnical investigation and report shall be prepared and the recommendations incorporated into the construction plans. The report shall be certified by a professional engineer registered to practice in the State of Maryland. All aspects of construction, including materials and methods, in these areas shall be approved by the Director of Public Works & Transportation.
 - (1) *Report.* The report shall include, but not be limited to, the following: (a) surface features; (b) hydrologic features; (c) exploration methods; and (d) groundwater engineering analysis and recommendations. The investigation shall be performed to address existing and in-situ conditions including ground slippage, instability, high water table conditions, high shrink / swell soils, highly erodible soils or other potentially problematic conditions. The analysis and report shall include recommendations and advise concerning: pavement foundations; retaining wall design; sheeting; shoring or other methods of trench bracing; earthwork; site grading; and soil stabilization.
 - (2) *Inspection.* All unanticipated construction involving problem soils must be performed under the full-time inspection of a professional engineer.
 - (3) *Certification.* Where geotechnical inspections are required, the professional engineer shall furnish a written opinion to the County as to whether or not work has been performed in accordance with the approved plans and his/her recommendations for work in the vicinity of the units to be occupied prior to the issuance of residential or non-residential use permits.
- b. **Utility Requirements.** Utility crossings shall require 4-inch Schedule 40 PVC conduit crossings (edge of shoulder to edge of shoulder) at the point-of-curve of each intersection, and on the property line every 3 lots, not to be less than every 500'. The locations shall be denoted on the plans, and the conduit shall have tracer wire for ease of field location.
 - (1) *Repair.* The repair of pavement openings for utility trenches shall be in accordance with the State Highway Administration's Standards for Highways and Incidental Structures.

1 (2) *Backfill.* Backfill and compaction for utility cuts shall require testing and
2 certification prior to final paving and acceptance of the road. Utility trenches
3 shall be back-filled full depth to the top of the sub-grade with a flowable cement
4 stabilized backfill in accordance with Maryland State Highway Administration
5 Standard Specifications For Construction and Materials.

6 (3) *Additional Information.* When required by the Director of Public Works &
7 Transportation, concrete piers, expansion material, boring, test pit and any other
8 information pertinent to the design and construction shall be submitted to the
9 Department of Public Works & Transportation and included on the construction
10 plans.

11 **3.13 Storm Drainage Requirements**

12 Stormwater management shall comply with the provisions of the Stormwater Management Erosion and
13 Sediment Control Ordinance. Stormwater runoff from public roads shall be collected and conveyed in
14 closed conduit systems (inlets, pipes and connectors) and open channel systems (ditches, streams, culverts,
15 rivers, improved open channels). In general, the use of headwalls in storm drainage design within road
16 right-of-way is prohibited unless approved in writing by the Director of Public Works & Transportation.
17 Existing storm drainage systems that are inadequate to accommodate the runoff from the design storm from
18 a proposed development must be improved prior to development. In accordance with the Stormwater
19 Management Erosion and Sediment Control, runoff after development shall, generally, drain to the same
20 out-fall as before development.

21 a. Closed Drainage Systems. Closed runoff systems shall be required where curb and gutter
22 (urban) street sections are required, unless otherwise approved by the Director of Public
23 Works & Transportation.

24 (1) Closed systems shall be designed to carry 10-year frequency storms and the
25 surcharge overflow from 25-year storms without adversely affecting or
26 damaging public streets, allies, and rights-of-way (i.e., localized or downstream
27 flooding, erosion and property damage). Closed systems shall be designed to
28 carry 25-year frequency storm in sumps and other critical areas where overflow
29 is not permissible. An easement or fee simple right-of-way shall be granted as
30 required for maintenance of the inlets by the Department of Public Works &
31 Transportation shall extend at least 10 feet beyond the outside limits of the pipe
32 inlet or "outlet works", and shall be a minimum of 20 feet in width. Drainage
33 easements shall be separately designated and extend from the maintenance
34 easement area(s), and encompass design storm runoff to the approved
35 natural/existing out-fall. All drainage easements shall be maintained by the
36 property owner(s).

37 (2) Wherever practicable, existing natural drainage-ways shall be preserved as a
38 supplementary element to closed drainage systems. In all cases, closed systems
39 shall discharge into existing natural drainage-ways as soon as is practicable.

40 (3) Where, as a function of net development densities, closed drainage systems are
41 not essential to serve portions of development dedicated to permanent open
42 space, the use of existing natural or open ditch drainage-way systems may be
43 approved. This approval is subject to determination by the Director of Public
44 Works & Transportation that the open system design is adequate considering
45 existing and projected topographic and ground coverage conditions.

46 (4) The minimum velocity in closed stormwater runoff systems shall be 2 feet per
47 second (fps). The maximum velocity in closed stormwater runoff systems shall
48 be 25 fps. The minimum allowable slope for closed stormwater runoff systems is
49 0.50 percent, but one percent is preferred. The maximum allowable slope for
50 closed stormwater runoff systems is 20 percent. A closed stormwater runoff
51 system may be approved at a slope greater than 20 percent if suitably designed
52 anchors are provided at a maximum horizontal spacing of 15 feet.

-
- 1 (5) The design and evaluation of standard curb opening inlets will be made using a
2 value for the local depression of 1.5 inches. The inlet depression shall not
3 exceed 2.0 inches.
- 4 (6) Inlets, where required at intersections, should not be placed between the PC or
5 PT of curb (or proposed curb). Inlets shall never be placed within the curb fillet.
- 6 (7) The minimum design grade along urban streets shall be 0.5 percent. Inlets on
7 grade shall be spaced to pick up at least 85 percent of the total gutter flow and
8 the maximum allowable spread of flow in the curb and gutter section shall be
9 10 feet for the 10-year storm. 100 percent of the flow must be intercepted at the
10 next downstream inlet. Sump inlets must be designed to pick up 100 percent of
11 the flow for the 10-year storm.
- 12 (8) The minimum size of any culvert or storm drain shall be 15 inches or a
13 hydraulically equivalent sized pipe. Storm drains crossing water mains and
14 sanitary sewers shall be constructed with a minimum clearance of 12 inches or
15 concrete encasement shall be provided. Clearance shall be measured between
16 outside diameters of pipes. A minimum separation of 8 inches shall be
17 maintained between a storm drainpipe and the surface material in a private
18 driveway and at least 12 inches in a public street or roadway, at the shoulder as
19 well as at the centerline.
- 20 (9) Maximum allowable spread of flow for private commercial and industrial
21 developments shall be 15 feet.
- 22 (10) Inlet Spacing. Inlet spacing shall be governed by the following criteria:
- 23 (a) Maximum allowable flow in standard curb and gutter streets shall be
24 5.0 cubic feet per second (cfs);
- 25 (b) Maximum allowable flow across street intersections, where valley
26 gutters are permitted, shall be 2.0 cfs;
- 27 (c) Maximum allowable flow along curb fillets shall be 2.5 cfs;
- 28 (d) Maximum allowable flow from any development to the County streets
29 shall be 2.0 cfs. The Applicant shall be required to provide on-site
30 private drainage systems for such developments, which may be
31 connected to adequate County-owned systems within the public streets;
32 and
- 33 (e) In calculating the spread within vertical curves, the actual grade
34 between the point 25 feet prior to the inlet and the beginning of the
35 inlet shall be critical, not the longitudinal tangent grade of the roadway.
- 36 b. Open Drainage Systems. Drainage systems for roadways classified as minor collector,
37 major collector, or an arterial road shall be designed for the 25-year storm event. Open
38 drainage systems for all other roadways shall be designed for a 10-year frequency storm,
39 unless the Director of the Department of Public Works & Transportation determines that
40 an alternative design criteria is warranted based on the characteristics of the proposed
41 development or locale. Open drainage systems must demonstrate and meet the following
42 criteria for the storm frequency, as set forth above:
- 43 (1) Except as set forth below, open stormwater runoff drainage systems within road
44 rights-of-way shall be designed to maintain flows below 10 cubic feet per
45 second (cfs). The depth of flow shall not exceed the depth of the ditch.
- 46 (2) Drainage from rights-of-way must flow in an easement, which should be along
47 lot lines wherever possible.
- 48 (3) The maximum permissible velocities of flow for unprotected grass channels
49 shall not exceed 3.5 fps, or lower values in **Schedule 3.13.1**.

1 **Schedule 3.13.1 Permissible Velocities for Grass-Lined Channels**

Channel Slope	Lining	Permissible Velocity (ft/sec) *
0 to 5%	Red Fescue	2.5
	Redtop	2.5
	Serices lespedeza	2.5
	Annual lespedeza	2.5
	Small grains	2.5
Greater than 5% to 10%	Grass-legume mix	3
Greater than 10%	Reed canary grass	3
	Tall Fescue	3
	Kentucky bluegrass	3

*For highly erodible soils, additional stabilization measures shall be provided.

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- (4) For private developments, maximum depth of water ponding in a parking lot or drive aisle shall be limited to 4 inches in sump areas and 2 inches elsewhere, with a maximum spread of 10 feet.
- (5) Where culverts are provided, the shape and length of culverts, and the grading of culvert inlets and outlets shall be designed and constructed to facilitate periodic maintenance to remove obstructions.
- (6) If outlet velocities equal or exceed erosive velocities of the existing channel lining, then some form of energy dissipation device shall be placed to protect the outlet channel. Rip-rap lining of the channel may be used but vegetative linings and closed storm drain systems are the preferred method to prevent erosion. Size and weight of rip-rap shall conform to the Maryland State Highway Administration's current edition of the Maryland Standards and Specifications for Soil Erosion and Sediment Control. Certification must be submitted for any proposed type of erosion control matting.
- (7) The computed design head water elevation must not cause damage to existing properties and must be at least 0.75 feet below the elevation of the edge of the road shoulder (for rural sections) or 1.2 feet below the top of curb elevation (for urban street sections). Unless otherwise approved by the Director of Public Works & Transportation, the maximum allowable headwater above the crown of the culvert shall be five (5) feet. The design headwater elevation shall be confined within a storm drainage easement and recorded as part of the development plat.
- (8) When the hydraulic gradient exceeds one (1) foot above the crown of the pipe, special treatment of pipe joints (i.e. rubber gaskets or concrete collars) shall be required. The hydraulic gradient for the design flows shall not be above the elevation of one (1) foot below the proposed ground elevation. For curb opening inlets, the gutter flow line is considered the proposed ground elevation.
- (9) Underdrains. Underdrains along roadways shall be required as in accordance with the Maryland State Highway Administrations' Standard.

ARTICLE 4. CONSTRUCTION AND INSPECTION

4.1 Construction Requirements

- a. Roadways shall be graded to their minimum typical section within the right-of-way necessary to accommodate proper drainage and road improvements. Earthwork shall include clearing and grubbing, the removal and replacement of all unsuitable material, and the proper preparation of sub-grade, as recommended by a Professional Engineer and approved by the Director of Public Works & Transportation.
- b. Where required in accordance with Maryland State Highway Standards, or required for positive drainage, adequate sub-grade drains, sidewalk and/or pavement under-drains shall be placed according to the approved plans
- c. No work on road pavement shall be started until all underground utilities or utility conduits proposed to cross said road have been installed and properly back-filled.
- d. All materials used in construction shall conform in every detail to County standards, unless otherwise approved and accepted by the Director of Public Works & Transportation.
- e. A thick stand of permanent grass shall be obtained by seeding or sodding prior to release of bond. For seeded areas there shall be at least 2 inches of topsoil.
- f. Street and traffic signs shall be erected at all intersections. These signs shall show the names of intersecting streets and be of high intensity sheeting with a minimum warrantee of twelve (12) years and shall be installed in accordance with the Manual of Design and Construction Standards.
- g. Temporary traffic control and street signs shall be installed immediately after gravel base course asphalt has been constructed, or at such time as any dwelling unit is occupied, whichever occurs first.
- h. Traffic control along County-maintained roadways shall be in accordance with the Manual on Uniform Traffic Control Devices. Transverse pavement markings such as crosswalks and stop lines shall be a minimum width of 12 inches and 16 inches, respectively, and constructed of 125 mil thermoplastic material.

4.2 Inspection Requirements

- a. Inspection Requirements. Inspection services will be maintained by the Department of Public Works & Transportation to assure compliance with the permit.
 - (1) Inspections shall include sub-grade, gravel base, curb and gutter line/grade, asphalt base stakeout, fine grade, base course asphalt, surface course asphalt, structural back-fills, stormwater management facilities and shall be in accordance with the established Subdivision Road Construction and Inspection Procedures, as amended from time to time.
 - (2) The applicant shall notify the Director of Public Works & Transportation, or his duly authorized representative, at least 2 days before commencement of any construction authorized by a permit issued hereunder. In the event there is an interruption or cessation of the work for a period of more than 30 days, then the applicant shall notify the Director of Public Works & Transportation at the end of each interruption or cessation of his intent to actively resume operations at least 2 days before recommencing activities.

- 1 (3) No paving, curb and gutter, or sidewalk construction or driveway entrances shall
2 be started unless there has been a final inspection and approval of the sub-grade.
3 Certification of completion, CBR verification after sub-grade compaction, and
4 any other certification required by the Director of Public Works and
5 Transportation & Transportation shall be provided prior to final paving.

- 6 (4) The approved construction permit(s), plans, specifications and other applicable
7 and pertinent documentation shall at all times be open and available for
8 inspection by duly authorized officials and employees of the County.

- 9 (5) Drainage structures shall be approved prior to back-filling and shall be certified
10 for size, gauge and/or class.

1 **ARTICLE 5. MAINTENANCE AND ACCEPTANCE**
2

3 **5.1 Maintenance Requirements.**
4

5 Responsibility of Applicant. The applicant shall comply with all requirements of the Director of Public
6 Works & Transportation pertaining to public safety and the avoidance of unnecessary inconvenience to the
7 public during construction and compliance with the Specifications.

- 8 a. The applicant shall be responsible for the maintenance of vehicular and pedestrian traffic
9 on the roadway, and shall provide materials, labor and equipment as necessary to
10 properly maintain traffic. Excavations or other hazards shall be properly barricaded at all
11 times and proper connections shall be made to drives and walks at occupied residences.
12 The applicant is required to keep the roadway shaped up by blading, as necessary, and to
13 correct muddy or soft sub-grade by placing appropriate fill materials.
- 14 b. The applicant is responsible for plowing snow and maintaining access to habitable or
15 uninhabited residences or other facilities until the County Commissioners finally accept the
16 road. It shall be the responsibility of the applicant to remove any dirt or debris deposited
17 on public and private roads in and adjacent to the work area during the construction
18 period.
- 19 c. All work within the right-of-way shall have proper traffic control to ensure the safe and
20 efficient movement of traffic approaching, through, and departing the work area.
21 Maintenance of traffic shall be in accordance with the latest edition of the Manual on
22 Uniform Traffic Control Devices, and the State Highway Administration's Standards for
23 Highways and Incidental Structures. Roadways shall not be completely closed at any
24 time unless approved by the Director of Public Works & Transportation, and adequate
25 advanced notice is given.

26
27 **5.1 Required Approvals**
28

- 29 a. Final Approval. Final approval of any work conducted under any road or utility permit
30 shall be given by the Director of Public Works and Transportation, if a field inspection
31 shows that the work conforms in all respects with the permit(s) and approval(s).
- 32 b. Private Roads. The County Commissioners shall not accept private roads into the County
33 highway maintenance system.
- 34 c. Acceptance. Road plans, sub-base depth, and compaction certification are required for
35 analysis of existing conditions. The Director of Public Works & Transportation shall
36 certify final approval to the County Commissioners. Actual acceptance into the County
37 highway maintenance system for perpetual maintenance shall be only by order of the
38 County Commissioners.
- 39 d. Partial Acceptance. A permit holder may request approval of a part of the permitted work
40 in writing to the Director of Public Works & Transportation upon completion of at least
41 50 percent of the total value of the work authorized under the permit. Upon approval of
42 the work and, at the request of the applicant, the Department of Public Works &
43 Transportation shall recommend a reduction of the surety to the County Commissioners.
44 No bonds shall be completely released until all work called for by the permit is
45 completed and a Repair and Maintenance Bond is approved and accepted in accordance
46 with **Section 3.6** of this Road Ordinance. Surety shall not be reduced below ten percent
47 (10%) of the original security amount until a Repair and Maintenance Bond has been
48 approved and accepted.
49

ARTICLE 6. ENFORCEMENT

It shall be the duty of the Director of Public Works and Transportation to enforce the Ordinance and to bring to the attention of the Planning Commission, Board of County Commissioners, or County Attorney any violations or lack of compliance herewith. It shall be the duty of all departments and agencies of the County to forward to the Director of Permits and Inspections inquiries, complaints, reports or information relative to abandoned vehicles and obstructions to cross-visibility.

6.1 Actions in Violation of Code

- a. It shall be unlawful for any person, whether as owner, lessee, principal, agent, employee or otherwise to violate any provisions of this Road Ordinance, to permit any such violation, or to fail to comply with the requirements of this Road Ordinance, including but not limited to the following:
 - (1) For failure to obtain approval from the Engineer or permits as required by laws or ordinances;
 - (2) For failure to give proper notice of initiation of work or for performance of work without authorization;
 - (3) For failure to take recommended corrective action;
 - (4) For failure to adhere to approved plans;
 - (5) For a second notice of failure to take corrective action.

6.2 Procedure for Prosecution of Violations

The County Commissioners here by expressly exercise the authority delegated by the Annotated Code of Maryland, Article 24, Section 10-I(f), to provide civil penalties for violations of this Road Ordinance. Upon becoming aware of any violation of this Road Ordinance, the Director may serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within the time specified, the Director shall institute and/or recommend such action as may be necessary to terminate the violation.

- a. The administrators may deliver a citation to a person believed to be committing a violation of this Road Ordinance. A copy of the citation shall be retained by the administrator and shall bear a certification attesting to the truth of the matters set forth. The citation shall contain:
 - (1) The name and address of the person charged;
 - (2) The nature of the violation;
 - (3) The place and time of the violation;
 - (4) The amount of the fine assessed;
 - (5) The manner, location, and time in which the fine may be paid; and
 - (6) The person's right to elect to stand trial in the District Court of St. Mary's County for the violation.
- b. A person who receives a citation may elect to stand trial in the District Court of St. Mary's County, for the offense, by filing with the Planning Director, a Notice of Intent to Stand Trial. The Notice shall be given at least five (5) days before the date of payment as set forth in the citation. On receipt of the Notice of Intention to Stand Trial, the Planning Director shall forward to the District Court a copy of the citation and the Notice of Intention to Stand Trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for violations shall be remitted to St. Mary's County.

- 1 c. If a person who receives a citation for a violation fails to pay the fine by the date of
2 payment set forth on the citation and fails to file a notice of intention to stand trial, a
3 formal notice of the violation shall be sent to the owner's last known address. If the
4 citation is not satisfied within fifteen (15) days from the date of the notice, the person is
5 liable for an additional fine not to exceed twice the original fine. If, after 35 days, the
6 citation is not satisfied, the zoning official may request adjudication of the case through
7 the District Court. The District Court shall schedule the case for trial and summon the
8 defendant to appear.

- 9 d. Adjudication of a violation under this section is not a criminal conviction, nor does it
10 impose any of the civil disabilities ordinarily imposed by a criminal conviction.

- 11 e. In a proceeding before the District Court, the violation shall be prosecuted in the same
12 manner and to the same extent as set forth for municipal infractions in Article 23A,
13 Section 3(b) of the Annotated Code of Maryland.

- 14 f. If a person is found by the District Court to have committed a civil violation, that person
15 shall be liable for the costs of the proceedings in the District Court.

16

17 **6.3 Actions to Remedy Violations**

18

19 In addition to the imposition of any penalties provided in this Road Ordinance, the County may initiate an
20 injunction, mandamus, abatement or any other appropriate judicial action to compel compliance with the
21 provisions of this Ordinance.

22

23 **6.4 Schedule of Fees, Fines, and Penalties**

24

25 Civil Penalties. Pursuant to Article 25, Section 10-I of the Annotated Code of Maryland, the Board of
26 County Commissioners may provide for civil penalties for any violation of this Ordinance. The County
27 Commissioners may establish by resolution a schedule of fees, charges, and expenses, fines and a
28 collection and refund procedure for appeals, violations and other matters pertaining to this Ordinance. The
29 schedule of fees shall be made available and may be altered or amended only by the County
30 Commissioners. Each day in which any such violation occurs, or in which such person fails to perform the
31 duties required of him or to comply with the provisions of those sections, shall constitute a separate
32 offense. Any person who violates a provision of this Ordinance shall become liable to the County for any
33 expense, loss, or damage occasioned by the County by reason of such violation.

34

1 **ARTICLE 7. DEFINITIONS**
2

3 **AASHTO.** American Association of State Highway Transportation Officials.
4

5 **Abandoned Vehicle.** Any motor vehicle, trailer or semi-trailer, or watercraft that is inoperative and left
6 unattended on public or private property; or that has remained illegally on public or private property; or that
7 has remained on public or private property for more than 48 hours and either: (a) does not display valid
8 registration plates, or (b) displays registration plates of another vehicle.
9

10 **Abutting.** Having boundaries or lot lines in common.
11

12 **Acceptable Outfall.** The tidewater or that point where storm water can be released to a channel without
13 causing scouring, erosion, or resulting sedimentation to the receiving channel or its flood plain. Direct
14 discharges require a National Pollutant Discharge Elimination System discharge permit from the Maryland
15 Department of the Environment.
16

17 **Adequate Public Facilities.** Shall be as defined by the St. Mary's County Comprehensive Zoning
18 Ordinance.
19

20 **Applicant.** A person who is applying for subdivision or project plan approval under this Road Ordinance
21 or a grading or sediment control permit, or who has received approval of a forest stand delineation or forest
22 conservation plan.
23

24 **ASTM.** The American Society for Testing and Materials
25

26 **Caliper.** The diameter of a tree trunk measured at 2 inches above the root collar.
27

28 **Clearing.** The removal of trees and brush from the land, not including the ordinary mowing of grass.
29

30 **Compaction.** Densification of a soil or rock fill by mechanical or other acceptable procedures.
31

32 **Comprehensive Plan.** The Comprehensive Plan for St. Mary's County (*Quality of Life in St. Mary's*
33 *County - A Strategy for the 21st Century*), as approved by the Board of County Commissioners, including
34 any amendments or extensions there to.
35

36 **County Road.** A public road that is part of the Highway Maintenance System of St. Mary's County.
37

38 **Culvert.** A drainage structure placed beneath an embankment typically with a span of less than twenty (20)
39 feet.
40

41 **Day.** Calendar day, unless otherwise specified.
42

43 **Design Engineer.** A registered and authorized professional by the State of Maryland responsible for the
44 preparation and submission of plans and plats on the behalf of a developer.
45

46 **Developer.** A person with freehold, possessory or contractual interest in land proposed for development.
47

48 **Driveway.** A private access road, drive or lane to an individual residence which is contained within the lot
49 or parcel and is not intended to serve any other lot or parcel of land.
50

51 **Easement.** A right to land generally established in a real estate deed or on a recorded plat to permit the use
52 of land by the public, a corporation or particular persons for specified uses.
53

54 **Excavation.** Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or
55 relocated, including the conditions resulting therefrom.

1 **Fill.** A deposit of materials or any kind placed by artificial means.

2
3 **Freeboard.** An increment of elevation added to the base flood elevation to provide a factor of safety for
4 uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

5
6 **Grade-Related Terms.**

7
8 Existing Grade. The vertical location of the existing ground surface prior to excavating or filling.

9
10 Finished Grade. The final grade or elevation of the ground surface conforming to the proposed
11 design.

12
13 Grading. Any stripping, excavating, filling, including hydraulic fill, stockpiling or any combination
14 thereof. Grading does not include plowing, disking and cultivating for lawn establishment or
15 renovation.

16
17 **Height.** The vertical dimension measured from finished grade, unless otherwise specified, to the highest
18 point of the object being measured.

19
20 **Highly Erodible Soils.** Those soils with a slope greater than 15 percent; or those soils with a K value
21 greater than .35 and with slopes greater than 5 percent.

22
23 **Hydric Soils.** Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby
24 influencing the species composition or growth, or both, of plants on those soils.

25
26 **Land Clearing.** Any activity that removes the vegetative ground cover.

27
28 **Landscape.** Any combination of trees, ground cover, shrubs, vines, flowers or lawn planted in the ground
29 or in ground level-containers.

30
31 **Level Of Service (LOS).** A measurement of roadway performance using procedures in the Highway
32 Capacity Manual, and as further defined in the Comprehensive Zoning Ordinance.

33
34 **Lot.** A portion of a subdivision or tract of land having frontage on a street or road which is intended for
35 development and which meets the requirements as a legal building site pursuant to the Comprehensive
36 Zoning Ordinance.

37
38 **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by
39 mechanical power.

40
41 **Out-lot.** A piece or tract of land that remains within a subdivision but which does not meet the minimum
42 requirements of the Code for a lot and is therefore not useable as a building site.

43
44 **Out-parcel.** A tract of land designated on a subdivision plat for future development, or not designated for
45 any specific purpose, that has not been evaluated for compliance with the requirements of this code for
46 adequate facilities or zoning requirements and is therefore not useable as a legal building site. Out-parcels
47 may be the subject of a record plat or re-subdivided provided the lot(s) created meet all requirements of the
48 Zoning Ordinance prior to plat approval.

49
50 **Person.** The federal government, the State, a county, municipal corporation, or other political subdivision
51 of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator,
52 fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation,
53 or any of their affiliates, or any other entity.

54
55 **Private Road.** A private access, drive or lane to more than one residence which is contained within the lot
56 or parcel and which is not dedicated to the County.

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Property Lines. The lines bounding a zoning lot, as defined herein.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

Public Utility. Any transmission line or electric generating station; or water, sewer, electric, gas, telephone, and television or data cable service line.

Public Way. Any sidewalk, street, alley, highway, or other public thoroughfare.

Sediment Control Permit. The authorization of an activity regulated under a sediment control plan as provided in the Environment Article, Title 4, Annotated Code of Maryland.

Sediment. Soils or other materials transported by wind or surface water as a product of erosion.

SHA. Maryland State Highway Administration.

Site. Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project as shown on an application.

Stabilization. The prevention of soil movement by any of various vegetative and/or structural means.

Street. A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane throughway, or however otherwise designated, but does not include driveways to buildings.

Subdivision. Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development provided that this definition of a subdivision shall not include a bona fide division or partition of agricultural land not for development purposes.

Topography. The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

Transportation Facilities. Anything that is built, installed, or established to provide a means of transport from one place to another.

Transportation-Related Terms.

Alley. A narrow roadway for access to the area of commercial, multi-family or industrial structures.

Arterial. An interregional road conveying traffic between growth areas. Efficient movement is the primary function of arterial roads; hence private access and frontage should be controlled and limited to high-volume generators of vehicle trips.

Cul-de-sac. A dead end street, the primary purpose of which is to provide access to and from adjacent dwellings to a higher functional type street. Cul-de-sacs do not accommodate through traffic movement.

Local Road. Provides access to places and conducts traffic to a higher functional type street.

Major Collector. A principal traffic artery within residential areas that may provide routes to local facilities, serves as the main entrance to a sizeable development, or a combination of developments.

1 Minor Collector. A street which, in addition to providing access to properties abutting thereon,
2 carries traffic to an activity center or higher classification street. It may be a loop street or may link
3 local and/or collector streets.

4
5 Street Direction. The direction any street or road travels the longest in distance (i.e. north-south or
6 east-west).

7
8 **Tree.** A branched woody plant having one or several self-supporting stems or trunks that reaches a height
9 of at least 20 feet at maturity.

10
11 **Vehicle.** Every device, including major parts thereof, in, on, or by which any person or property is or may
12 be transported or drawn on a thoroughfare, except devices moved by human or animal power, or devices
13 used exclusively on stationary rails or tracks.

14
15 **Vested Right.** A right, consistent with Maryland law, vested in and flowing from an existing use of land
16 and protected against a subsequent change in the applicable law Regulations prohibiting or limiting that
17 use, for which the owner has: (1) obtained a building permit or occupancy certificate where required by the
18 applicable Ordinance; and (2) commenced work under that permit or certificate to exercise it on the land
19 involved so that the neighborhood may be advised that the land is being developed for that use.
20