

# HOUSE BILL 1599

L2

8lr2425

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By: **Washington County Delegation**

Introduced and read first time: March 3, 2008

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 7, 2008

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 29, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County - Roads and Transportation**

3 FOR the purpose of providing that, under certain circumstances, Washington County  
4 may cause a road to be surveyed and a description and plat made of the road  
5 and recorded among the land records of the county; requiring that, under  
6 certain circumstances, the description of a road be made by reference to the  
7 original description when the road was acquired; requiring the description and  
8 plat to be prepared under the supervision of and certified by a certain  
9 individual; requiring the county and courts to consider the description and plat  
10 as official and prima facie correct until the contrary is proven; requiring the  
11 County Commissioners of Washington County, if they acquire land under  
12 certain circumstances, to require the filing and recordation of plats with the  
13 deed or deeds showing the location and area of the land; authorizing the County  
14 Commissioners to construct county highways or roads under certain  
15 circumstances; authorizing the County Commissioners to adopt certain  
16 regulations; requiring the Division of Public Works to reevaluate and suggest  
17 revisions to the regulations under certain circumstances; requiring the County  
18 Commissioners to accept into the county road system certain roads under  
19 certain circumstances; requiring the County Commissioners to perform certain  
20 duties under certain circumstances; altering the conditions under which certain  
21 plans and specifications for a county road or bridge must be prepared; requiring  
22 bids for certain work to be solicited in accordance with certain provisions of law;  
23 authorizing the Director of the Division of Public Works to develop and publish  
24 certain standards, policies, details, and specifications; authorizing the Division  
25 to assess a certain fee for reproduction costs; requiring a certain manual to

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 include certain information for public works; authorizing the manual to adopt  
2 certain standards, policies, or details by reference in a certain manner;  
3 requiring notice of the availability of public review and comment to be made in  
4 a certain manner; requiring a proposed manual or amendment to the manual to  
5 be available for public review and comment for a certain period of time;  
6 requiring the Director to present the standards, manual, or revisions to the  
7 manual to the County Commissioners for adoption by resolution; authorizing  
8 the Director to develop and implement certain interim construction standards,  
9 policies, or details until a certain time; authorizing the Director to erect traffic  
10 control devices in accordance with certain provisions of law; authorizing certain  
11 traffic control devices to be erected on county highways under certain  
12 circumstances; authorizing temporary directional signs to be erected in the  
13 county right-of-way in accordance with applicable State and local standards;  
14 authorizing the County Commissioners to adopt certain regulations governing  
15 construction on county property; altering the maximum amount of a certain  
16 fine; prohibiting a person from stopping, standing, or parking a vehicle on  
17 certain surfaces of Washington County so as to impede the movement of traffic  
18 or constitute a threat to public safety; prohibiting a person from parking  
19 unregistered motor vehicles and trailers on certain surfaces of the county;  
20 ~~prohibiting a person from parking certain vehicles more than a certain weight~~  
21 ~~on a public road within a residential subdivision in the county under certain~~  
22 ~~circumstances~~; prohibiting a person from creating or placing an obstruction on  
23 certain surfaces of the county; prohibiting a person from interfering with certain  
24 side ditches or drains; prohibiting certain persons from permitting certain  
25 vehicles to obstruct a crossing for a certain period of time; providing for certain  
26 criminal penalties; authorizing the Sheriff to impound certain vehicles parked  
27 in a certain manner; authorizing the owner of an impounded vehicle to reclaim  
28 or secure the release of the vehicle after paying certain fines, costs, and fees;  
29 prohibiting a person from leaving personal property on certain property;  
30 prohibiting a lessor of real property from allowing the personal property of an  
31 evicted tenant to remain on certain property for a certain period of time;  
32 authorizing the Division to cause the personal property to be removed under  
33 certain circumstances; requiring all expenses incurred in removing the personal  
34 property to be charged to the lessor of the real property; providing that certain  
35 provisions of law do not replace or reduce certain authority of the County  
36 Commissioners; repealing certain provisions of law relating to roads in  
37 Washington County; requiring the County Commissioners to perform and  
38 complete a certain assessment before closing a certain bridge in Washington  
39 County; requiring the County Commissioners, in performing a certain  
40 assessment, to hold a public hearing and analyze certain alternatives; requiring  
41 the County Commissioners to submit a certain report to the Washington County  
42 legislative delegation; authorizing the County Commissioners to close a certain  
43 bridge under certain circumstances; providing for the termination of certain  
44 provisions of this Act; making certain stylistic changes; clarifying language;  
45 making technical corrections; defining certain terms; and generally relating to  
46 roads and transportation in Washington County.

1 The Public Local Laws of Washington County  
2 Section 7-102, 7-103, 7-106, and 7-107 and the subtitle "Subtitle 1.  
3 Prohibitions"; 7-201 and 7-203 and the subtitle "Subtitle 2. Powers and  
4 Duties of County Commissioners"; and 7-301 and 7-302 and the subtitle  
5 "Subtitle 3. Road Engineer"  
6 Article 22 – Public Local Laws of Maryland  
7 (2007 Edition, as amended)

8 BY renumbering

9 The Public Local Laws of Washington County  
10 Section 7-101, 7-104, 7-105, 7-202, 7-204, 7-205, 7-206, 7-207, and 7-208,  
11 respectively  
12 to be Section 7-401, 7-404, 7-405, 7-302, 7-303, 7-304, 7-305, 7-306, and  
13 7-307, respectively  
14 Article 22 – Public Local Laws of Maryland  
15 (2007 Edition, as amended)

16 BY adding to

17 The Public Local Laws of Washington County  
18 Section 7-101 to be under the new subtitle "Subtitle 1. Definitions"; 7-201 and  
19 7-202 to be under the new subtitle "Subtitle 2. Roads and Bridges";  
20 7-301, 7-308, 7-309, and 7-310 to be under the new subtitle "Subtitle 3.  
21 Powers and Duties of County Commissioners"; and 7-402 and 7-403 to be  
22 under the new subtitle "Subtitle 4. Prohibitions"  
23 Article 22 – Public Local Laws of Maryland  
24 (2007 Edition, as amended)

25 BY repealing and reenacting, with amendments,

26 The Public Local Laws of Washington County  
27 Section 7-302, 7-303, 7-304, 7-305, 7-401, 7-404, and 7-405  
28 Article 22 – Public Local Laws of Maryland  
29 (2007 Edition, as amended)  
30 (As enacted by Section 2 of this Act)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
32 MARYLAND, That Section(s) 7-102, 7-103, 7-106, and 7-107 and the subtitle  
33 "Subtitle 1. Prohibitions"; 7-201 and 7-203 and the subtitle "Subtitle 2. Powers and  
34 Duties of County Commissioners"; and 7-301 and 7-302 and the subtitle "Subtitle 3.  
35 Road Engineer" of Article 22 – Washington County of the Code of Public Local Laws of  
36 Maryland be repealed.

37 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-101, 7-104,  
38 7-105, 7-202, 7-204, 7-205, 7-206, 7-207, and 7-208, respectively, of Article 22 –  
39 Washington County of the Code of Public Local Laws of Maryland be renumbered to be  
40 Section(s) 7-401, 7-404, 7-405, 7-302, 7-303, 7-304, 7-305, 7-306, and 7-307,  
41 respectively.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article 22 – Washington County**

4 **SUBTITLE 1. DEFINITIONS**

5 **7-101.**

6 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (B) “DIRECTOR” MEANS THE DIRECTOR OF THE DIVISION OF PUBLIC  
9 WORKS OR ITS SUCCESSOR, OR THE DIRECTOR’S DESIGNEE.

10 (C) “DIVISION” MEANS THE DIVISION OF PUBLIC WORKS OR ITS  
11 SUCCESSOR, INCLUDING THE DEPARTMENTS ORGANIZED WITHIN THE DIVISION.

12 (D) “PRIVATE LAND DEVELOPMENT” MEANS A LAND DEVELOPMENT  
13 PROJECT FUNDED BY A PRIVATE ENTITY UNDER THE REGULATIONS  
14 ESTABLISHED BY THE COUNTY COMMISSIONERS INTENDED TO CONVEY OR  
15 DEDICATE PUBLIC INFRASTRUCTURE TO THE COUNTY.

16 **SUBTITLE 2. ROADS AND BRIDGES**

17 **7-201.**

18 (A) (1) IF DOUBT EXISTS AS TO THE PROPER LOCATION OR WIDTH OF  
19 A COUNTY ROAD, OR RIGHT-OF-WAY, THE COUNTY MAY CAUSE:

20 (I) THE ROAD TO BE SURVEYED; AND

21 (II) A DESCRIPTION AND PLAT MADE OF THE ROAD AND  
22 RECORDED AMONG THE LAND RECORDS OF THE COUNTY.

23 (2) THE DESCRIPTION OF THE ROAD SHALL BE MADE BY  
24 REFERENCE TO THE ORIGINAL DESCRIPTION OF THE ROAD WHEN THE ROAD  
25 WAS ACQUIRED.

26 (3) IF THE ORIGINAL DESCRIPTION CANNOT BE FOUND, THE  
27 DESCRIPTION AND PLAT SHALL BE MADE OF THE ROAD AS EXISTING.

28 (4) THE DESCRIPTION AND PLAT SHALL BE PREPARED UNDER  
29 THE SUPERVISION OF AND CERTIFIED BY A REGISTERED PROFESSIONAL LAND

1 SURVEYOR OR PROPERTY LINE SURVEYOR WHO IS LICENSED TO PRACTICE IN  
2 THE STATE.

3 (B) THE COUNTY AND THE COURTS SHALL CONSIDER THE DESCRIPTION  
4 AND PLAT AS OFFICIAL AND PRIMA FACIE CORRECT UNTIL THE CONTRARY IS  
5 PROVEN.

6 7-202.

7 IF THE COUNTY COMMISSIONERS ACQUIRE TITLE TO ANY PLOTS OR  
8 AREAS OF LAND IN CONJUNCTION WITH THE CONSTRUCTION, WIDENING,  
9 RELOCATING, OR ACCEPTED OWNERSHIP OF A ROAD, AT THE TIME OF  
10 RECORDING THE DEED OR DEEDS, THE COUNTY COMMISSIONERS SHALL  
11 REQUIRE THE FILING AND RECORDATION OF PLATS WITH THE DEED OR DEEDS  
12 SHOWING THE LOCATION AND AREA OF THE LAND ACQUIRED IN THAT MANNER.

13 SUBTITLE 3. POWERS AND DUTIES OF COUNTY COMMISSIONERS

14 7-301.

15 (A) THE COUNTY COMMISSIONERS MAY CONSTRUCT A HIGHWAY OR  
16 ROAD TO BE OPENED FOR THE USE OF THE PUBLIC IF, IN THE JUDGMENT OF  
17 THE DIRECTOR, THE HIGHWAY OR ROAD:

18 (1) MEETS ENGINEERING STANDARDS ADOPTED BY THE COUNTY  
19 COMMISSIONERS; OR

20 (2) IF NO STANDARDS ARE ADOPTED BY THE COUNTY  
21 COMMISSIONERS, MEETS NATIONALLY ACCEPTED STANDARDS USED BY THE  
22 ENGINEERING PROFESSION.

23 (B) (1) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS  
24 REGARDING THE CONSTRUCTION OF NEW HIGHWAYS, ROADS, BRIDGES,  
25 DRAINAGE SYSTEMS, AND OTHER INCIDENTAL STRUCTURES OFFERED FOR  
26 PUBLIC OWNERSHIP BY PRIVATE ENTITIES.

27 (2) FROM TIME TO TIME, THE DIVISION SHALL REEVALUATE THE  
28 REGULATIONS AND MAKE RECOMMENDATIONS FOR REVISIONS AS DEEMED  
29 NECESSARY BY THE DIRECTOR.

30 (3) THE COUNTY COMMISSIONERS SHALL ACCEPT, INTO THE  
31 COUNTY ROAD SYSTEM, ROADS THAT ARE CONSTRUCTED IN COMPLIANCE WITH  
32 THE COUNTY'S REGULATIONS ON A FAVORABLE RECOMMENDATION OF THE  
33 DIRECTOR.

1           (4)    **ACCEPTANCE OF THE ROAD BY THE COUNTY:**

2                    (I)    **INCLUDES THE ROADWAY AND APPURTENANCES SUCH**  
3 **AS DRAINAGE FACILITIES, CURBS, AND TRAFFIC CONTROL DEVICES; BUT**

4                    (II) **DOES NOT INCLUDE OTHER ITEMS THAT MAY BE**  
5 **LOCATED WITHIN THE RIGHT-OF-WAY SUCH AS DRIVEWAYS, DRIVEWAY**  
6 **CULVERTS, SIDEWALKS, AND OTHER ITEMS AS DETERMINED BY THE DIRECTOR.**

7 7-302.

8           (A)    The County Commissioners[, in addition to their other powers and duties  
9 under the law, shall] have charge and control over all the county roads, streets, alleys,  
10 highways, and bridges and all matters pertaining to them, in accordance with the  
11 provisions of [§§ 7-202 through 7-205, 7-301, and 7-302 of] this title.

12           (B)    **THE COUNTY COMMISSIONERS SHALL:**

13                   (1)    **KEEP THE PUBLIC HIGHWAYS, ROADS, BRIDGES, STREETS,**  
14 **AND ALLEYS OF THE COUNTY IN REPAIR AND REASONABLY SAFE FOR PUBLIC**  
15 **TRAVEL;**

16                   (2)    **EXERCISE GENERAL SUPERVISION OVER THE PUBLIC**  
17 **HIGHWAYS, ROADS, BRIDGES, STREETS, AND ALLEYS OF THE COUNTY; AND**

18                   (3)    **DIRECT GENERAL AND SPECIAL REPAIRS AND**  
19 **IMPROVEMENTS WHENEVER THE COUNTY COMMISSIONERS SHALL DEEM**  
20 **GENERAL AND SPECIAL REPAIRS AND IMPROVEMENTS NECESSARY OR**  
21 **ADVISABLE FOR PUBLIC CONVENIENCE OR SAFETY.**

22 7-303.

23           (a)    The County Commissioners may have signposts placed at road crossings  
24 or intersections designating the distance to the nearest prominent point and, subject  
25 to [§ 7-208] § **7-308** of this subtitle, may give suitable names to the county roads and  
26 change them as they see fit.

27           (b)    The County Commissioners may let out the repair or maintenance of any  
28 road or portion of road by contract, when, in the [Road Engineer's] **DIRECTOR'S**  
29 judgment, that course is advisable. In that case preference shall be given, where  
30 practicable to the owners of the land directly interested in the proper care of the road  
31 or roads, and the work shall be done under the supervision of the [Road Engineer]  
32 **DIRECTOR.**

33           (c)    All contracts made by the County Commissioners for the repair or  
34 construction of roads or bridges shall be reduced to writing and all payments shall be

1 subject to the approval by the [Road Engineer] **DIRECTOR** of the work done under the  
2 contract.

3 (d) (1) Whenever work on any road or bridge involves an outlay of  
4 [\$5,000] **\$50,000** or more, plans and specifications for them shall be prepared by the  
5 [Road Engineer] **DIVISION** or someone designated by the [Road Engineer]  
6 **DIRECTOR**.

7 (2) Bids for the work shall be [prepared by the Road Engineer and  
8 shall be invited by publication at least once a week for 2 successive weeks in such daily  
9 paper or papers the County Commissioners designate or by advertisement through  
10 electronic media] **SOLICITED IN ACCORDANCE WITH § 1-106 OF THIS CODE**. The  
11 County Commissioners do not have to have any work done by contract if, after bids  
12 have been received and opened, it is found that the same work can be done at less  
13 expense by direct employment of the required labor or if an emergency exists of such  
14 nature as to require the speedy repair or replacement of a county road, street, alley,  
15 highway, or bridge or other construction in connection with it. This subsection does not  
16 require bids when the work is to be done by the County [Roads] **HIGHWAY**  
17 Department.

18 (e) The County Commissioners may adopt regulations regarding the use of  
19 the roads, streets, avenues, lanes, alleys, and bridges of the county by telephone and  
20 telegraph companies, [steam railroads and] **RAILROADS**, street railways companies,  
21 gas, [water] **WATER**, and electric light **UTILITY** companies, and similar uses, and by  
22 individuals and the traveling public. The County Commissioners may adopt  
23 regulations they consider necessary for the proper protection of the roads, streets,  
24 avenues, lanes, alleys, bridges of the county and the rights of the public in them. They  
25 may impose reasonable penalties for the violation of the regulations and may make  
26 other necessary provisions for their enforcement. All regulations, when adopted and  
27 recorded in a book or books kept for the purpose, shall have the force and effect of law.

28 (f) The [police] **SHERIFF** of the county [are] **IS** charged with the duty of  
29 enforcing all the regulations. In addition to other methods of enforcement [of all these  
30 regulations], the County Commissioners may apply to the [courts of equity of the  
31 State] **CIRCUIT COURT** for an injunction to enforce compliance. In this case, it is not  
32 necessary to make other jurisdictional averment than the threatened breach of these  
33 regulations, and the courts may grant these injunctions on the allegations being made.  
34 A certified copy of these regulations is proper evidence in any of the courts of the  
35 State.

36 7-304.

37 (a) The County Commissioners shall levy, annually, upon the assessable  
38 property of the county, at the time for making the county levy, a rate sufficient to pay  
39 the interest and the proper amount on the principal of any outstanding road bonds, a  
40 rate sufficient to pay the State Highway Administration the amount due for lateral

1 roads or other plans for State aid for road purposes, and a rate to be set by the County  
2 Commissioners, not to exceed 40 cents on \$100.

3 (b) The tax so levied and collected within the limits of all incorporated towns  
4 or cities, together with all other money receivable by Washington County for road and  
5 bridge purposes, including all fines and forfeitures on account of roads and bridges and  
6 all taxes collected on stocks and bonds not apportioned to or assessed in any district  
7 shall constitute a fund to be known as the General Road and Bridge Fund and may be  
8 expended for any lawful road or bridge purpose anywhere in Washington County and  
9 for no other purposes.

10 (c) When there are insufficient funds in the county treasury set apart as the  
11 General Road and Bridge Fund to meet the demand for an emergency, the County  
12 Commissioners may borrow up to \$250,000 in 1 year, on the credit of the county, to be  
13 paid out of the road money provided in the next succeeding levy. All bills and claims  
14 on account of roads and bridges in the county shall receive the endorsement of the  
15 [Road Engineer] **DIRECTOR** before payment and shall be passed upon by the County  
16 Commissioners at a regular or adjourned meeting. A bill or claim involving the  
17 expenditure of more than \$1,000, and a contract or agreement involving a larger  
18 expenditure from the road funds of the county may not be allowed or made except by a  
19 majority vote of the County Commissioners.

20 (d) All claims allowed and passed as aforesaid shall be approved by the  
21 President and attested by the Clerk of the County Commissioners. When so approved  
22 an order for the amount of the claim shall be drawn against the county Tax Collector  
23 who shall pay the amount out of the proper funds.

24 7-305.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) "Special road improvement district" means an area of land in the  
27 county which has frontage on a substandard private road in which improvements to  
28 the road will be funded from special assessments imposed on all the owners of the land  
29 in proportion to the lengths of their respective frontages, designated as a special road  
30 improvement district by the County Commissioners.

31 (3) "Private road" means a road not previously accepted into the  
32 county road system.

33 (4) "Owners" means owners of property included in the district.

34 (b) The County Commissioners may create special road improvement  
35 districts within the confines of the county for the purpose of providing a method of  
36 funding the improvement of private roads in the county to county standards prior to  
37 acceptance in the county road system. Only land which fronts on the road to be



1 improved shall be included in a district and, of such land, only so much thereof as  
2 shall have at least an average depth in one ownership of 100 feet shall be included.

3 (c) The procedures set forth in this subtitle for the creation of a special road  
4 improvement district may only be initiated by a petition signed by the owners of the  
5 land in the proposed district having over half of the frontage on the road. The petition  
6 may be developed and the signatures obtained either by 1 or more of the owners or by  
7 the County Commissioners.

8 (d) Upon receipt of a petition or upon their own motion, if the County  
9 Commissioners developed and obtained the signatures to the petition, and before a  
10 district may be created, the County Commissioners shall:

11 (1) Cause an investigation to be made of the section of road to be  
12 improved; the investigation shall include a study of the condition of the road, the  
13 width of the [right of way] ~~RIGHT-OF-WAY~~, the ownership and configuration of land  
14 fronting on the road, particularly with respect to the frontages and depths of the  
15 various tracts adjoining the road, the estimated cost of improving the road and any  
16 other matters which the County Commissioners may feel are relevant to the creation  
17 of a district; and

18 (2) Cause a public hearing to be held after written notice of the  
19 hearing and the purpose thereof has been published 1 time in a newspaper having  
20 general circulation in the county and after a copy of the notice has been mailed or  
21 delivered to each owner of land in the proposed district. At the hearing, all persons  
22 having an interest in the creation of the district shall be heard and be permitted to  
23 present any evidence relevant to the person's position in the matter as may be desired.

24 (e) After the public hearing is held, the County Commissioners shall decide  
25 whether a special road improvement district shall be created for the area in question,  
26 or for part of it, and, if the decision is in favor of the creation of a district, it shall cause  
27 a resolution to be passed outlining its boundaries and giving preliminary approval to  
28 the land therein as a special road improvement district. Afterwards, the same notice of  
29 its decision shall be given to the owners as was given of the public hearing. Any person  
30 aggrieved by the decision of the County Commissioners may appeal to the Circuit  
31 Court for Washington County within 10 days following receipt of the notice. If no  
32 appeal is taken within the period, the action of the County Commissioners shall be  
33 final and further appeal may not be taken.

34 (f) Following the decision of the County Commissioners to establish a  
35 district, and after the expiration of the appeal period without an appeal being taken,  
36 the County Commissioners shall:

37 (1) Cause surveys to be made as well as determine the lengths of the  
38 various frontages of land abutting the road to be improved assessable under this  
39 section for the improvement of the road;

1           (2) Cause an advertisement for bids for the improvements to the road  
2 to be published at least 2 times in 2 successive weeks in some newspaper of general  
3 circulation in the county;

4           (3) Cause a notice to be mailed or otherwise delivered to all of the  
5 owners of assessable frontage on the road setting forth the names of all the owners,  
6 the lengths of their respective assessable frontages, the amount of the lowest  
7 responsible bid for the improvements and the individual amounts which the County  
8 Commissioners propose to assess as the share of each owner; and

9           (4) Pass a resolution rescinding previously given approval if, within  
10 the period of 15 days following the mailing or delivery of the last of the notices  
11 provided in paragraph (3) of this subsection, a petition against the creation of the  
12 district, signed by over 75 percent of the owners, is received by the County  
13 Commissioners; if so received, the district may not be created. If no petition is received  
14 by the County Commissioners within the 15-day period, it shall pass a resolution  
15 making final the preliminary approval and the district will then be in existence.

16           (g) Following the final creation of the district, the County Commissioners  
17 shall bill each of the owners for the amount of the owner's respective share of the costs  
18 of the improvements, and the amount of each share shall be a lien against so much of  
19 the land and property of each owner as lies within the boundaries of the district in the  
20 same manner that real property taxes are liens on the property against which they are  
21 assessed. The County Commissioners may collect the shares from each of the owners  
22 and, in so doing, have the same powers as now are, or in the future may be, available  
23 to them for the collection of real property taxes.

24           (h) All matters relating to the work to be done in improving any private road  
25 under the provisions of this section, including scheduling, shall be under the sole  
26 control and supervision of the County Commissioners and, in the matter of scheduling  
27 them, the County Commissioners may defer the awarding of a contract for the work  
28 until all of the shares are collected by them. At no later than the completion of the  
29 work, the road shall be accepted into the county road system.

30 **7-308.**

31           **(A) (1) THE DIRECTOR:**

32                           **(I) MAY DEVELOP STANDARDS, POLICIES, DETAILS, AND**  
33 **SPECIFICATIONS AFFECTING THE DESIGN AND CONSTRUCTION OF PUBLIC**  
34 **WORKS IN THE COUNTY; AND**

35                           **(II) SHALL PUBLISH THE STANDARDS, POLICIES, DETAILS,**  
36 **AND SPECIFICATIONS IN A MANUAL TO BE MADE AVAILABLE BY THE DIVISION.**

37                           **(2) THE DIVISION MAY ASSESS A NOMINAL FEE FOR**  
38 **REPRODUCTION COSTS.**

1           **(3) THE MANUAL SHALL INCLUDE STANDARDS, POLICIES,**  
2 **DETAILS, AND SPECIFICATIONS FOR PUBLIC WORKS.**

3           **(4) THE MANUAL MAY ADOPT BY REFERENCE A PUBLICATION**  
4 **SETTING FORTH NATIONALLY-ACCEPTED ENGINEERING AND DESIGN**  
5 **STANDARDS FOR PUBLIC WORKS AS THE COUNTY'S STANDARDS, POLICIES,**  
6 **DETAILS, AND SPECIFICATIONS ON EITHER AN INTERIM OR PERMANENT BASIS.**

7           **(B) (1) A PROPOSED MANUAL OR AMENDMENT TO THE MANUAL**  
8 **SHALL BE AVAILABLE FOR PUBLIC REVIEW AND COMMENT.**

9           **(2) THE DIVISION SHALL PROVIDE GENERAL NOTICE IN A**  
10 **NEWSPAPER OF GENERAL CIRCULATION, BY POSTING A NOTICE:**

11                   **(I) AT THE COUNTY COURTHOUSE; OR**

12                   **(II) ON THE COUNTY'S WEBSITE.**

13           **(3) THE PROPOSED MANUAL OR AN AMENDMENT TO THE MANUAL**  
14 **SHALL BE OPEN FOR PUBLIC REVIEW AND COMMENT FOR NOT LESS THAN 10**  
15 **DAYS.**

16           **(C) THE DIRECTOR SHALL THEREAFTER PRESENT THE STANDARDS,**  
17 **MANUAL, OR REVISIONS TO THE MANUAL TO THE COUNTY COMMISSIONERS FOR**  
18 **ADOPTION BY RESOLUTION.**

19           **(D) THE DIRECTOR MAY DEVELOP AND IMPLEMENT INTERIM**  
20 **CONSTRUCTION STANDARDS, POLICIES, OR DETAILS UNTIL THE COUNTY**  
21 **COMMISSIONERS ADOPT THE STANDARDS, POLICIES, AND DETAILS IDENTIFIED**  
22 **IN SUBSECTION (A) OF THIS SECTION.**

23 **7-309.**

24           **(A) THE DIRECTOR MAY ERECT TRAFFIC CONTROL DEVICES IN**  
25 **ACCORDANCE WITH § 25-102 OF THE TRANSPORTATION ARTICLE OF THE**  
26 **ANNOTATED CODE OF MARYLAND.**

27           **(B) TRAFFIC CONTROL DEVICES ERECTED UNDER SUBSECTION (A) OF**  
28 **THIS SECTION MAY BE ERECTED ON ANY ROAD, HIGHWAY, STREET, ALLEY, OR**  
29 **RIGHT-OF-WAY UNDER THE JURISDICTION OF THE COUNTY COMMISSIONERS,**  
30 **PROVIDED THAT, ON STREETS AND HIGHWAYS, THE TRAFFIC CONTROL DEVICES**  
31 **CONFORM TO THE SYSTEM SET FORTH IN THE MOST RECENT EDITION OF THE**  
32 **"MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", OR THE MANUAL'S**  
33 **SUCCESSOR, AS ADOPTED BY THE STATE HIGHWAY ADMINISTRATION.**

1           **(C) TEMPORARY DIRECTIONAL SIGNS MAY BE ERECTED IN THE COUNTY**  
2 **RIGHT-OF-WAY IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL**  
3 **STANDARDS.**

4 **7-310.**

5           **(A) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS**  
6 **GOVERNING CONSTRUCTION ON A RIGHT-OF-WAY.**

7           **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS**  
8 **SECTION MAY:**

9                   **(1) PROHIBIT A PERSON, UNLESS THE PERSON FIRST OBTAINS A**  
10 **PERMIT FROM THE COUNTY, FROM:**

11                           **(I) INSTALLING, MAINTAINING, REPAIRING, RELOCATING,**  
12 **OR REMOVING:**

13                                   **1. PIPE;**

14                                   **2. WIRE;**

15                                   **3. CABLE;**

16                                   **4. FIBER OPTICS; OR**

17                                   **5. OTHER MATERIAL; OR**

18                           **(II) PERFORMING AN EXCAVATION OR CONSTRUCTION IN,**  
19 **ON, OVER, OR ACROSS COUNTY PROPERTY;**

20                   **(2) REQUIRE THE ISSUANCE OF A PERMIT UNDER THIS SECTION**  
21 **TO BE CONDITIONED ON THE POSTING OF A BOND, LETTER OF CREDIT, OR**  
22 **OTHER SURETY ACCEPTABLE TO THE DIRECTOR, THAT GUARANTEES THE COST**  
23 **OF RESTORATION OF THE COUNTY PROPERTY;**

24                   **(3) REQUIRE A PERSON WHO PERFORMS WORK ON COUNTY**  
25 **PROPERTY WITH A PERMIT UNDER THIS SECTION TO RESTORE THE PROPERTY**  
26 **TO A CONDITION SATISFACTORY TO THE DIRECTOR AND IN ACCORDANCE WITH**  
27 **STANDARDS SET FORTH BY THE DIRECTOR;**

28                   **(4) IF THE HOLDER OF A PERMIT UNDER THIS SECTION DOES NOT**  
29 **SATISFACTORILY RESTORE THE PROPERTY AS PROVIDED UNDER ITEM (3) OF**

1 THIS SUBSECTION, GRANT THE DIVISION THE RIGHT TO EXERCISE ANY AND ALL  
2 OF THE REMEDIES PROVIDED IN THIS SECTION; AND

3 (5) AUTHORIZE THE DIRECTOR TO ORDER THE WORK DONE AND  
4 APPLY THE SURETY POSTED BY THE PERMIT HOLDER TO COVER THE COSTS  
5 INCURRED BY THE COUNTY IN:

6 (I) PERFORMING THE WORK; OR

7 (II) CAUSING THE WORK TO BE PERFORMED.

8 SUBTITLE 4. PROHIBITIONS

9 7-401.

10 If any person wantonly injures or defaces any sign, road marker, automatic  
11 signal, other traffic devices, barricade, or sign used during the course of construction  
12 on or along any county road, that person is guilty of a misdemeanor and, upon  
13 conviction, is subject to a fine of not [less than \$5 or more than \$50] MORE THAN  
14 \$500 for each separate offense.

15 7-402.

16 (A) A PERSON MAY NOT STOP, STAND, OR PARK A VEHICLE SO AS TO  
17 IMPEDE THE MOVEMENT OF TRAFFIC OR CONSTITUTE A THREAT TO PUBLIC  
18 SAFETY ON A ROAD, HIGHWAY, ALLEY, OR PUBLIC PARKING FACILITY OF THE  
19 COUNTY.

20 (B) A PERSON MAY NOT PARK AN UNREGISTERED MOTOR VEHICLE OR  
21 AN UNREGISTERED TRAILER ON A HIGHWAY, ROAD, OR OTHER PROPERTY OF  
22 THE COUNTY.

23 ~~(C) A PERSON MAY NOT PARK A COMMERCIAL SEMITRAILER OR A~~  
24 ~~SINGLE UNIT COMMERCIAL TRUCK MORE THAN 10,000 POUNDS IN GROSS~~  
25 ~~VEHICLE WEIGHT ON A PUBLIC ROAD WITHIN A RESIDENTIAL SUBDIVISION IN~~  
26 ~~THE COUNTY, EXCEPT WHEN THE VEHICLE IS:~~

27 ~~(I) ACTUALLY ENGAGED IN LOADING OR UNLOADING;~~

28 ~~(I) PASSENGERS;~~

29 ~~(II) MERCHANDISE; OR~~

30 ~~(III) MATERIALS;~~

1           ~~(2) USED BY THE OWNER OR OPERATOR ACTIVELY ENGAGED IN~~  
2 ~~WORK AT A PREMISES IN THE SUBDIVISION; OR~~

3           ~~(3) INVOLUNTARILY PARKED BECAUSE OF A MECHANICAL~~  
4 ~~FAILURE OR ANOTHER EMERGENCY SITUATION, IF THE VEHICLE IS REMOVED~~  
5 ~~WITHIN A REASONABLE PERIOD OF TIME.~~

6           ~~(D)~~ (C)       (1) A PERSON MAY NOT:

7                       (I) CREATE OR PLACE AN OBSTRUCTION ON A PUBLIC  
8 HIGHWAY, ROAD, BRIDGE, STREET, AVENUE, LANE, OR ALLEY OF THE COUNTY;  
9 OR

10                      (II) INTERFERE WITH OR OBSTRUCT THE SIDE DITCHES OR  
11 DRAINS OR ENCROACH ON THEM WITH FENCES OR OTHER OBSTRUCTIONS OR IN  
12 ANY OTHER MANNER.

13           (2) A PERSON, INCLUDING THE PERSON'S AGENT OR EMPLOYEE,  
14 THAT EXERCISES THE BUSINESS OF A COMMON CARRIER MAY NOT PERMIT A  
15 VEHICLE OR STEAM OR OTHER ENGINE OR CAR TO OBSTRUCT A CROSSING FOR  
16 10 OR MORE MINUTES AT ONE TIME.

17           ~~(E)~~ (D)       (1) A PERSON THAT REFUSES OR NEGLECTS TO COMPLY  
18 WITH AN ORDER OF THE COUNTY COMMISSIONERS, THE ZONING INSPECTOR,  
19 OR THE SHERIFF TO REMOVE A VEHICLE OR OBSTRUCTION IN VIOLATION OF  
20 THIS SECTION WITHIN 24 HOURS FROM THE TIME OF THE NOTICE GIVEN IS:

21                      (I) GUILTY OF A MISDEMEANOR; AND

22                      (II) SUBJECT TO A MAXIMUM FINE OF \$500 FOR EACH  
23 OFFENSE.

24           (2) THE SHERIFF MAY IMPOUND A VEHICLE PARKED IN  
25 VIOLATION OF THIS SECTION, OTHERWISE PARKED SO AS TO CONSTITUTE A  
26 DEFINITE HAZARD TO PUBLIC SAFETY, OR PARKED, STOPPED, OR STANDING SO  
27 AS TO IMPEDE OR OBSTRUCT THE NORMAL MOVEMENT OF TRAFFIC OR  
28 PEDESTRIANS.

29           (3) THE OWNER OF AN IMPOUNDED VEHICLE MAY RECLAIM OR  
30 SECURE THE RELEASE OF THE VEHICLE AFTER PAYING ALL OUTSTANDING  
31 FINES AND COSTS, INCLUDING ANY TOWING, IMPOUNDMENT, AND STORAGE  
32 COSTS, AS WELL AS ANY ADMINISTRATIVE FEES THAT THE COUNTY  
33 COMMISSIONERS MAY ESTABLISH.

34 7-403.

1           (A) A PERSON MAY NOT DISPOSE OF OR ABANDON PERSONAL  
2 PROPERTY ON A COUNTY RIGHT-OF-WAY, HIGHWAY, ROAD, EASEMENT, OR  
3 COUNTY PROPERTY.

4           (B) (1) A LESSOR OF REAL PROPERTY MAY NOT ALLOW THE  
5 PERSONAL PROPERTY OF AN EVICTED TENANT TO REMAIN ON A COUNTY  
6 RIGHT-OF-WAY, HIGHWAY, ROAD, EASEMENT, OR COUNTY PROPERTY FOR MORE  
7 THAN 2 DAYS AFTER THE DATE OF EVICTION.

8           (2) IF PERSONAL PROPERTY IS NOT REMOVED FROM THE COUNTY  
9 RIGHT-OF-WAY, HIGHWAY, ROAD, EASEMENT, OR PROPERTY ON THE THIRD DAY  
10 FOLLOWING THE DATE OF EVICTION:

11                   (I) THE DIVISION MAY CAUSE THE PERSONAL PROPERTY  
12 TO BE REMOVED; AND

13                   (II) ALL EXPENSES INCURRED IN THE REMOVAL OF  
14 PERSONAL PROPERTY, INCLUDING ANY ADMINISTRATIVE FEES THE DIVISION  
15 OR THE COUNTY COMMISSIONERS ESTABLISH, SHALL BE CHARGED TO THE  
16 LESSOR OF THE REAL PROPERTY.

17 7-404.

18           (a) Upon complaint of 1 or more taxpayers of the county to the County  
19 Commissioners of any person having encroached upon or obstructed the county roads  
20 by setting out fences, or hauling or throwing obstructions on the roads, the County  
21 Commissioners shall direct that a survey of the road be performed and the correct  
22 location of the center line be ascertained.

23           (b) After marking with stakes the outside lines of the road as originally laid  
24 out, the [county surveyor] **DIRECTOR** shall report to the County Commissioners, at  
25 their next meeting, the name of the person who has encroached upon with fences or  
26 otherwise obstructed the road. The County Commissioners shall then pass an order  
27 notifying that person to set back the fences so as to give to the road its legal width, or  
28 to remove the obstructions, as the case may be, and place a copy of the order in the  
29 hands of the Sheriff of the county. The Sheriff shall notify the person to whom the  
30 notice is directed, by reading it to him, and return the order to the Commissioners,  
31 with the day and date of the giving of the notice to the person mentioned in it,  
32 endorsed upon it.

33 7-405.

34           All persons who own improved lands along or adjacent to any [or] **OF** the  
35 improved public highways or roads of Washington County shall cut down and remove  
36 from and along such roads and highways all briars, undergrowth, bushes, and weeds

1 on or before June 15 in each year. Upon the failure of any land owner to comply with  
2 the provisions of this section, the County Commissioners, at the expense of the county,  
3 shall have such briars, undergrowth, bushes, and weeds cut and removed. The County  
4 Commissioners shall be reimbursed for all costs and reasonable expenses necessarily  
5 incurred in this work, to be recovered from the party or parties delaying or refusing to  
6 cut and remove the briars, undergrowth, bushes, and weeds in the same manner as  
7 debts of like amounts are recoverable. **THIS SECTION DOES NOT SUPERSEDE ANY**  
8 **OTHER AUTHORITY THAT MAY HAVE BEEN GRANTED TO THE COUNTY**  
9 **COMMISSIONERS, NOR DOES IT SUBSTITUTE, DIMINISH, OR EXTINGUISH ANY**  
10 **OTHER POWERS THAT THEY MAY HAVE TO REGULATE BRIARS, UNDERGROWTH,**  
11 **BUSHES, OR WEEDS.**

12 SECTION 4. AND BE IT FURTHER ENACTED, That:

13 (a) In this section, "County Commissioners" means the Board of County  
14 Commissioners of Washington County.

15 (b) (1) Except as provided in subsection (c) of this section, the County  
16 Commissioners may not close for repairs the Funkstown Bridge #2 on East Oak Ridge  
17 Drive in Washington County until the County Commissioners perform and complete  
18 an assessment of the economic impact of the closing of the bridge on the residents and  
19 local businesses of Washington County.

20 (2) In performing the assessment of the closing of the Funkstown  
21 Bridge #2 as provided in paragraph (1) of this subsection, the County Commissioners  
22 shall:

23 (i) analyze various alternative traffic patterns if the Funkstown  
24 Bridge #2 were to be closed;

25 (ii) analyze various structural alternatives to closing the  
26 Funkstown Bridge #2; and

27 (iii) hold at least one public hearing on the issue of closing the  
28 Funkstown Bridge #2.

29 (3) Within 14 days of completing the assessment described in  
30 paragraphs (1) and (2) of this section, the County Commissioners shall submit their  
31 findings to the Washington County legislative delegation.

32 (c) Notwithstanding any other provision of this section, the County  
33 Commissioners may close the Funkstown Bridge #2 at any time if the bridge poses an  
34 imminent threat to public safety.

35 SECTION 4, 5. AND BE IT FURTHER ENACTED, That this Act shall take  
36 effect October June 1, 2008. Section 4 of this Act shall remain effective for a period of 1



1 year and, at the end of May 31, 2009, with no further action required by the General  
2 Assembly, Section 4 of this Act shall be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.