

HOUSE BILL 1221

L2
HB 1599/08 – ENV

9lr1683

By: **Washington County Delegation**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2009

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 to 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
26 include certain information for public works; authorizing the manual to adopt

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

37 BY repealing

38 The Public Local Laws of Washington County
39 Section 7-102, 7-103, 7-106, and 7-107 and the subtitle "Subtitle 1.
40 Prohibitions"; 7-201 and 7-203 and the subtitle "Subtitle 2. Powers and
41 Duties of County Commissioners"; and 7-301 and 7-302 and the subtitle
42 "Subtitle 3. Road Engineer"
43 Article 22 – Public Local Laws of Maryland
44 (2007 Edition, as amended)

45 BY renumbering

46 The Public Local Laws of Washington County

1 Section 7-101, 7-104, 7-105, 7-202, 7-204, 7-205, 7-206, 7-207, and 7-208,
 2 respectively
 3 to be Section 7-401, 7-404, 7-405, 7-302, 7-303, 7-304, 7-305, 7-306, and
 4 7-307, respectively
 5 Article 22 – Public Local Laws of Maryland
 6 (2007 Edition, as amended)

7 BY adding to
 8 The Public Local Laws of Washington County
 9 Section 7-101 to be under the new subtitle “Subtitle 1. Definitions”; 7-201 and
 10 7-202 to be under the new subtitle “Subtitle 2. Roads and Bridges”;
 11 7-301, 7-308, 7-309, and 7-310 to be under the new subtitle “Subtitle 3.
 12 Powers and Duties of County Commissioners”; and 7-402 and 7-403 to be
 13 under the new subtitle “Subtitle 4. Prohibitions”
 14 Article 22 – Public Local Laws of Maryland
 15 (2007 Edition, as amended)

16 BY repealing and reenacting, with amendments,
 17 The Public Local Laws of Washington County
 18 Section 7-302, 7-303, 7-304, 7-305, 7-401, 7-404, and 7-405
 19 Article 22 – Public Local Laws of Maryland
 20 (2007 Edition, as amended)
 21 (As enacted by Section 2 of this Act)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That Section(s) 7-102, 7-103, 7-106, and 7-107 and the subtitle
 24 “Subtitle 1. Prohibitions”; 7-201 and 7-203 and the subtitle “Subtitle 2. Powers and
 25 Duties of County Commissioners”; and 7-301 and 7-302 and the subtitle “Subtitle 3.
 26 Road Engineer” of Article 22 – Washington County of the Code of Public Local Laws of
 27 Maryland be repealed.

28 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-101, 7-104,
 29 7-105, 7-202, 7-204, 7-205, 7-206, 7-207, and 7-208, respectively, of Article 22 –
 30 Washington County of the Code of Public Local Laws of Maryland be renumbered to be
 31 Section(s) 7-401, 7-404, 7-405, 7-302, 7-303, 7-304, 7-305, 7-306, and 7-307,
 32 respectively.

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

35 **Article 22 – Washington County**

36 **SUBTITLE 1. DEFINITIONS**

37 **7-101.**

1 IF THE COUNTY COMMISSIONERS ACQUIRE TITLE TO ANY PLOTS OR
2 AREAS OF LAND IN CONJUNCTION WITH THE CONSTRUCTION, WIDENING,
3 RELOCATING, OR ACCEPTED OWNERSHIP OF A ROAD, AT THE TIME OF
4 RECORDING THE DEED OR DEEDS, THE COUNTY COMMISSIONERS SHALL
5 REQUIRE THE FILING AND RECORDATION OF PLATS WITH THE DEED OR DEEDS
6 SHOWING THE LOCATION AND AREA OF THE LAND ACQUIRED IN THAT MANNER.

7 **SUBTITLE 3. POWERS AND DUTIES OF COUNTY COMMISSIONERS**

8 **7-301.**

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

12 (1) MEETS ENGINEERING STANDARDS ADOPTED BY THE COUNTY
13 COMMISSIONERS; OR

14 (2) IF NO STANDARDS ARE ADOPTED BY THE COUNTY
15 COMMISSIONERS, MEETS NATIONALLY ACCEPTED STANDARDS USED BY THE
16 ENGINEERING PROFESSION.

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

21 (2) FROM TIME TO TIME, THE DIVISION SHALL REEVALUATE THE
22 REGULATIONS AND MAKE RECOMMENDATIONS FOR REVISIONS AS DEEMED
23 NECESSARY BY THE DIRECTOR.

24 (3) THE COUNTY COMMISSIONERS SHALL ACCEPT INTO THE
25 COUNTY ROAD SYSTEM ROADS THAT ARE CONSTRUCTED IN COMPLIANCE WITH
26 THE COUNTY'S REGULATIONS ON A FAVORABLE RECOMMENDATION OF THE
27 DIRECTOR.

28 (4) ACCEPTANCE OF THE ROAD BY THE COUNTY:

29 (I) INCLUDES THE ROADWAY AND APPURTENANCES SUCH
30 AS DRAINAGE FACILITIES, CURBS, AND TRAFFIC CONTROL DEVICES; BUT

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

1 7-302.

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

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

7 (1) **KEEP THE PUBLIC HIGHWAYS, ROADS, BRIDGES, STREETS,**
8 **AND ALLEYS OF THE COUNTY IN REPAIR AND REASONABLY SAFE FOR PUBLIC**
9 **TRAVEL;**

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

12 (3) **DIRECT GENERAL AND SPECIAL REPAIRS AND**
13 **IMPROVEMENTS WHENEVER THE COUNTY COMMISSIONERS SHALL DEEM**
14 **GENERAL AND SPECIAL REPAIRS AND IMPROVEMENTS NECESSARY OR**
15 **ADVISABLE FOR PUBLIC CONVENIENCE OR SAFETY.**

16 7-303.

17 (a) The County Commissioners may have signposts placed at road crossings
18 or intersections designating the distance to the nearest prominent point and, subject
19 to [§ 7-208] § **7-307** of this subtitle, may give suitable names to the county roads and
20 change them as they see fit.

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

27 (c) All contracts made by the County Commissioners for the repair or
28 construction of roads or bridges shall be reduced to writing and all payments shall be
29 subject to the approval by the [Road Engineer] **DIRECTOR** of the work done under the
30 contract.

31 (d) (1) Whenever work on any road or bridge involves an outlay of
32 [\$5,000] **\$50,000** or more, plans and specifications for them shall be prepared by the
33 [Road Engineer] **DIVISION** or someone designated by the [Road Engineer]
34 **DIRECTOR.**

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

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

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

30 7-304.

31 (a) The County Commissioners shall levy, annually, upon the assessable
32 property of the county, at the time for making the county levy, a rate sufficient to pay
33 the interest and the proper amount on the principal of any outstanding road bonds, a
34 rate sufficient to pay the State Highway Administration the amount due for lateral
35 roads or other plans for State aid for road purposes, and a rate to be set by the County
36 Commissioners, not to exceed 40 cents on \$100.

37 (b) The tax so levied and collected within the limits of all incorporated towns
38 or cities, together with all other money receivable by Washington County for road and
39 bridge purposes, including all fines and forfeitures on account of roads and bridges and
40 all taxes collected on stocks and bonds not apportioned to or assessed in any district
41 shall constitute a fund to be known as the General Road and Bridge Fund and may be

1 expended for any lawful road or bridge purpose anywhere in Washington County and
2 for no other purposes.

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

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

17 7-305.

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

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

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

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

27 (b) The County Commissioners may create special road improvement
28 districts within the confines of the county for the purpose of providing a method of
29 funding the improvement of private roads in the county to county standards prior to
30 acceptance in the county road system. Only land which fronts on the road to be
31 improved shall be included in a district and, of such land, only so much thereof as
32 shall have at least an average depth in one ownership of 100 feet shall be included.

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

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

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

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

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

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

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

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

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

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

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

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

23 **7-308.**

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

25 (I) **MAY DEVELOP STANDARDS, POLICIES, DETAILS, AND**
26 **SPECIFICATIONS AFFECTING THE DESIGN AND CONSTRUCTION OF PUBLIC**
27 **WORKS IN THE COUNTY; AND**

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

30 (2) **THE DIVISION MAY ASSESS A NOMINAL FEE FOR**
31 **REPRODUCTION COSTS.**

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

34 (4) **THE MANUAL MAY ADOPT BY REFERENCE A PUBLICATION**
35 **SETTING FORTH NATIONALLY ACCEPTED ENGINEERING AND DESIGN**
36 **STANDARDS FOR PUBLIC WORKS AS THE COUNTY'S STANDARDS, POLICIES,**

1 DETAILS, AND SPECIFICATIONS ON EITHER AN INTERIM OR A PERMANENT
2 BASIS.

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

5 (2) THE DIVISION SHALL PROVIDE GENERAL NOTICE IN A
6 NEWSPAPER OF GENERAL CIRCULATION BY POSTING A NOTICE:

7 (I) AT THE COUNTY COURTHOUSE; OR

8 (II) ON THE COUNTY'S WEBSITE.

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

12 (C) THE DIRECTOR SHALL THEREAFTER PRESENT THE STANDARDS,
13 MANUAL, OR REVISIONS TO THE MANUAL TO THE COUNTY COMMISSIONERS FOR
14 ADOPTION BY RESOLUTION.

15 (D) THE DIRECTOR MAY DEVELOP AND IMPLEMENT INTERIM
16 CONSTRUCTION STANDARDS, POLICIES, OR DETAILS UNTIL THE COUNTY
17 COMMISSIONERS ADOPT THE STANDARDS, POLICIES, AND DETAILS IDENTIFIED
18 IN SUBSECTION (A) OF THIS SECTION.

19 **7-309.**

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

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

30 (C) TEMPORARY DIRECTIONAL SIGNS MAY BE ERECTED IN THE COUNTY
31 RIGHT-OF-WAY IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL
32 STANDARDS.

1 **7-310.**

2 (A) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS
3 GOVERNING CONSTRUCTION ON A RIGHT-OF-WAY.

4 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS
5 SECTION MAY:

6 (1) PROHIBIT A PERSON, UNLESS THE PERSON FIRST OBTAINS A
7 PERMIT FROM THE COUNTY, FROM:

8 (I) INSTALLING, MAINTAINING, REPAIRING, RELOCATING,
9 OR REMOVING:

10 1. PIPE;

11 2. WIRE;

12 3. CABLE;

13 4. FIBER OPTICS; OR

14 5. OTHER MATERIAL; OR

15 (II) PERFORMING AN EXCAVATION OR CONSTRUCTION IN,
16 ON, OVER, OR ACROSS COUNTY PROPERTY;

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

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

25 (4) IF THE HOLDER OF A PERMIT UNDER THIS SECTION DOES NOT
26 SATISFACTORILY RESTORE THE PROPERTY AS PROVIDED UNDER ITEM (3) OF
27 THIS SUBSECTION, GRANT THE DIVISION THE RIGHT TO EXERCISE ANY AND ALL
28 OF THE REMEDIES PROVIDED IN THIS SECTION; AND

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

4 **(I) PERFORMING THE WORK; OR**

5 **(II) CAUSING THE WORK TO BE PERFORMED.**

6 **SUBTITLE 4. PROHIBITIONS**

7 **7-401.**

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

13 **7-402.**

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

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

21 **(C) (1) A PERSON MAY NOT:**

22 **(I) CREATE OR PLACE AN OBSTRUCTION ON A PUBLIC**
23 **HIGHWAY, ROAD, BRIDGE, STREET, AVENUE, LANE, OR ALLEY OF THE COUNTY;**
24 **OR**

25 **(II) INTERFERE WITH OR OBSTRUCT THE SIDE DITCHES OR**
26 **DRAINS OR ENCROACH ON THEM WITH FENCES OR OTHER OBSTRUCTIONS OR IN**
27 **ANY OTHER MANNER.**

28 **(2) A PERSON, INCLUDING THE PERSON'S AGENT OR EMPLOYEE,**
29 **THAT EXERCISES THE BUSINESS OF A COMMON CARRIER MAY NOT PERMIT A**
30 **VEHICLE OR STEAM OR OTHER ENGINE OR CAR TO OBSTRUCT A CROSSING FOR**
31 **10 OR MORE MINUTES AT ONE TIME.**

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

5 (I) GUILTY OF A MISDEMEANOR; AND

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

8 (2) THE SHERIFF MAY IMPOUND A VEHICLE PARKED IN
9 VIOLATION OF THIS SECTION, OTHERWISE PARKED SO AS TO CONSTITUTE A
10 DEFINITE HAZARD TO PUBLIC SAFETY, OR PARKED, STOPPED, OR STANDING SO
11 AS TO IMPEDE OR OBSTRUCT THE NORMAL MOVEMENT OF TRAFFIC OR
12 PEDESTRIANS.

13 (3) THE OWNER OF AN IMPOUNDED VEHICLE MAY RECLAIM OR
14 SECURE THE RELEASE OF THE VEHICLE AFTER PAYING ALL OUTSTANDING
15 FINES AND COSTS, INCLUDING ANY TOWING, IMPOUNDMENT, AND STORAGE
16 COSTS, AS WELL AS ANY ADMINISTRATIVE FEES THAT THE COUNTY
17 COMMISSIONERS MAY ESTABLISH.

18 **7-403.**

19 (A) A PERSON MAY NOT DISPOSE OF OR ABANDON PERSONAL
20 PROPERTY ON A COUNTY RIGHT-OF-WAY, HIGHWAY, ROAD, EASEMENT, OR
21 COUNTY PROPERTY.

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

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

29 (I) THE DIVISION MAY CAUSE THE PERSONAL PROPERTY
30 TO BE REMOVED; AND

31 (II) ALL EXPENSES INCURRED IN THE REMOVAL OF
32 PERSONAL PROPERTY, INCLUDING ANY ADMINISTRATIVE FEES THE DIVISION
33 OR THE COUNTY COMMISSIONERS ESTABLISH, SHALL BE CHARGED TO THE
34 LESSOR OF THE REAL PROPERTY.

1 7-404.

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

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

17 7-405.

18 All persons who own improved lands along or adjacent to any [or] **OF** the
19 improved public highways or roads of Washington County shall cut down and remove
20 from and along such roads and highways all briars, undergrowth, bushes, and weeds
21 on or before June 15 in each year. Upon the failure of any land owner to comply with
22 the provisions of this section, the County Commissioners, at the expense of the county,
23 shall have such briars, undergrowth, bushes, and weeds cut and removed. The County
24 Commissioners shall be reimbursed for all costs and reasonable expenses necessarily
25 incurred in this work, to be recovered from the party or parties delaying or refusing to
26 cut and remove the briars, undergrowth, bushes, and weeds in the same manner as
27 debts of like amounts are recoverable. **THIS SECTION DOES NOT SUPERSEDE ANY
28 OTHER AUTHORITY THAT MAY HAVE BEEN GRANTED TO THE COUNTY
29 COMMISSIONERS, NOR DOES IT SUBSTITUTE, DIMINISH, OR EXTINGUISH ANY
30 OTHER POWERS THAT THEY MAY HAVE TO REGULATE BRIARS, UNDERGROWTH,
31 BUSHES, OR WEEDS.**

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 June 1, 2009.