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# St. Mary's County Road Ordinance



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

Adopted: June 26, 2012  
Effective: July 10, 2012

Subject: To Repeal and Re-Enact and Codify as Chapter 256  
of the Code of St. Mary's County, Maryland, the St.  
Mary's County Road Ordinance

**ORDINANCE**

**TO REPEAL AND RE-ENACT, AND CODIFY AS CHAPTER 256  
OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, THE ST.  
MARY'S COUNTY ROAD ORDINANCE**

**WHEREAS**, pursuant to Article 25, §10-I(b) and (d) of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to enact by ordinance rules and regulations governing the grading, constructing, improving, maintaining, and repairing of roads, now used by the public or intended for public use, including roads proposed for subdivisions, whether now recorded or hereafter proposed, including sidewalks, curbs and gutters, driveway entrances and storm drainage facilities and appurtenances to be located within the subdivision; and to regulate the engineering, constructing, and accepting of any new public road, street, avenue, lane, alley, bridge, sidewalk, curb, gutter, and storm drainage facilities into the county roads system; and

**WHEREAS**, pursuant to Article 25, §3(o)(1) of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to provide for grading, paving, regrading, repaving, curbing, recurbing, or repairing any road or sidewalk now or hereafter condemned, ceded, opened, widened, extended or straightened as public property; and

**WHEREAS**, in accordance with Article 25, § 3 (r) of the *Annotated Code of Maryland*, a notice of a public hearing was advertised on May 9, 2012 and May 16, 2012 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on May 22, 2012 to receive public comment and consider adoption of an ordinance; and

**WHEREAS**, the Board of County Commissioners for St. Mary's County, Maryland, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to enact by ordinance rules and regulations governing the grading, constructing, improving, maintaining, and repairing of roads, now used by the public or intended for public use, including roads proposed for subdivisions, whether now recorded or hereafter proposed, including sidewalks, curbs and gutters, driveway entrances and storm drainage facilities and appurtenances to be located within the subdivision; and to regulate the engineering, constructing, and accepting of any new public road, street, avenue, lane, alley, bridge, sidewalk, curb, gutter, and storm drainage facilities into the county roads system; and to provide for grading, paving, regrading, repaving, curbing, recurbing, or repairing any road or sidewalk now or hereafter condemned, ceded, opened, widened, extended or straightened as public property,

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of St. Mary's County, pursuant to Article 25, §10-I(b) and (d) and § 3(o)(1) of the *Annotated Code of Maryland*, that the St. Mary's County Road Ordinance (2010) be repealed and re-enacted, and codified as Chapter 256 of the *Code of St. Mary's County, Maryland*, to read as follows:

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1 **ARTICLE 1. GENERAL PROVISIONS**

2  
3 **1.1 Title**

4  
5 This document shall be known as the “St. Mary’s County Road Ordinance”, and may also be referred to as  
6 “the Road Ordinance”.

7  
8 **1.2 Authority**

9  
10 Pursuant to the provisions of Article 25 of the *Annotated Code of Maryland*, Section 10-I(b) the Board of  
11 County Commissioners for St. Mary’s County, Maryland (hereinafter, “County Commissioners”) has  
12 adopted this Road Ordinance.

13  
14 **1.3 Purpose**

15  
16 The purpose of this Road Ordinance is to establish rules and regulations regarding the construction,  
17 improvement, maintenance and repair of public roads and of any roads dedicated, or intended to be  
18 dedicated, for public use in St. Mary’s County, including, but not limited to, roads proposed for  
19 subdivisions whether now recorded or hereafter proposed, including sidewalks, curbs and gutters, driveway  
20 entrances and storm drainage facilities and appurtenances to be located within the subdivision, in St.  
21 Mary’s County, and to establish procedures, standards and specifications for the grading, construction,  
22 improvement, maintenance and repair of public roads in order to ensure the orderly layout and construction  
23 of roads and related improvements, consistent with the Comprehensive Plan.

24  
25 **1.4 Applicability and Validity**

26  
27 The provisions of this Ordinance shall apply to the development and use of all land within the  
28 unincorporated county, unless expressly and specifically exempted or provided otherwise in this Ordinance.  
29 No development shall be undertaken without prior authorization pursuant to this Ordinance. All  
30 development shall comply with the standards, criteria, and procedures of this Ordinance,

31  
32 **1.5 Minimum Standards**

33  
34 The provisions of this Road Ordinance are minimum standards necessary to accomplish the safe and  
35 planned development of transportation needs in St. Mary's County, as determined by the County  
36 Commissioners, and nothing herein is intended to prevent any development or land use from exceeding the  
37 minimums. Should the interpretation and application of any requirements in this Road Ordinance be found  
38 to be in conflict with those imposed by other provisions of law, the more restrictive or higher standards  
39 shall prevail.

40  
41 **1.6 Vested Rights**

42  
43 St. Mary’s County recognizes and accepts the standard of vested rights as established by Maryland case  
44 law.

45  
46 **1.7 Transitional Provisions**

- 47  
48 a. Transitional Provisions. Transitional Provisions to be known as “grandfathering”  
49 provisions are hereby adopted to provide for the continuance of certain development  
50 activities. For residential subdivisions, the provisions of Chapter 24 of the Subdivision  
51 Ordinance shall apply. For site plans and all other development activities, Chapter 27 of  
52 the Comprehensive Zoning Ordinance shall apply.

1           b.       Continuation of Project. Project development may proceed in accordance with the plan  
2                   approval unless such approval expires as provided above. In the case of expiration, re-  
3                   approval shall be in conformity with all provisions of this Road Ordinance.

4

5       **1.8 Effect of Previous Regulations**

6

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

9

10      **1.9 Rules for Construction of Language**

11

12           a.       A reference to days is to calendar days unless otherwise indicated in this Road Ordinance,  
13                   or specified by State law. If a deadline falls on a weekend or County holiday, the time for  
14                   performing an act is extended to the next working day. A working day is defined as any  
15                   day that is not a Saturday, Sunday, or official County holiday.

16           b.       Use of “shall,” “will” or “must” is mandatory; “should” is directive, but not binding, and  
17                   “may” is permissive

18           c.       Use of “including,” “includes,” “such as,” “additional”, or “supplemental” is illustrative  
19                   and not intended as an exhaustive listing, unless the context clearly indicates the contrary.

20

21      **1.10 Conflict with Other Laws and Regulations**

22

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

25

26      **1.11 Severability**

27

28       If any provision, section, subsection, sentence, paragraph, clause or phrase or portion of this Road  
29       Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this  
30       Road Ordinance shall not be affected. If any application of this Road Ordinance to a particular structure,  
31       land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment  
32       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 The Board of County Commissioners, pursuant to §10-I of Article 25 of the *Annotated Code of Maryland*  
6 and Chapter 109 of the *Code of St. Mary's County* reserves the following powers and duties:

- 7 a. To accept streets and other public improvements, authorize the posting of signage, and to  
8 approve-repair and maintenance agreements pursuant to the standards and procedures of  
9 this Road Ordinance; and
- 10  
11 b. To approve the processing of claims against security instruments as may be required or  
12 otherwise recommended by the Director of Public Works & Transportation; and
- 13  
14 c. To hear and decide appeals of a final administrative decision where it is alleged there is  
15 an error in any order, requirement, decision, or determination made in regard to the  
16 enforcement of this Road Ordinance; and
- 17  
18 d. Unless otherwise specified, to authorize, upon appeal in a specific case, a waiver of a  
19 requirement under this Road Ordinance; and
- 20  
21 e. To administer Chapter 109 of the County Code with regard to opening, altering,  
22 extending, and closing, in whole or in part, public roads or right-of-ways.

23  
24  
25 **2.2 Planning Commission**

26  
27 The powers and duties of the St. Mary's County Planning Commission shall include the power and duty to  
28 recommend to the Board of County Commissioners the delineation and reservation of lands for dedication  
29 or acquisition for public streets.

30  
31  
32 **2.3 Director of Department of Public Works & Transportation**

33  
34 The Director of the Department of Public Works & Transportation (DPW&T), (the "Director"), shall  
35 administer the applicable provisions of this Road Ordinance and the appendices referenced herein, and shall  
36 have the following duties and responsibilities:

- 37 a. Duties and Responsibilities
  - 38 (1) To approve or disapprove, modifications and written requests for waivers from  
39 provisions of this Road Ordinance where specifically authorized; and
  - 40 (2) To provide professional recommendations to the Board of County  
41 Commissioners, Planning Commission, Board of Appeals, Soil Conservation  
42 District, or other boards, committees and commissions of the County  
43 Commissioners upon request; and
  - 44 (3) To provide expertise regarding the adequacy of public facilities (APF) with  
45 respect to drainage, site access and public roads; and
  - 46 (4) To serve as a member of the Technical Evaluation Committee, and provide  
47 technical assistance to Boards and Committees; and
  - 48 (5) To collect fees and surety and escrow requirements for the issuance of grading  
49 permits, public works agreements, maintenance and restoration bonds, road  
50

- 1 construction, utility permits, construction right-of-way permits and sediment  
2 control measures; and
- 3 (6) To evaluate proposed development plans for compliance with the County's  
4 transportation plans and Comprehensive Land Use Plan; and
- 5 (7) To assist the Director of Land Use & Growth Management in the abatement of  
6 nuisances with respect to littering, dumping, obstruction removal and abandoned  
7 vehicles along public roads maintained by the County; and
- 8 (8) To make recommendations to the Board of County Commissioners regarding the  
9 condemnation, mapping, acceptance, and posting of new public roads, and the  
10 improvements, extensions and alterations to existing public roads; and
- 11
- 12 (9) To perform construction inspections and materials testing in accordance with  
13 applicable infrastructure requirements, road design standards and specifications;  
14 and
- 15
- 16 (10) To review, approve, and execute Public Works Agreements, Construction Right  
17 of Way Permits, permit renewals, extensions, amendments, and associated  
18 addenda; and
- 19
- 20 (11) To establish, accept, and release security for the performance of obligations for  
21 permitted work and to process requests for partial acceptance in accordance with  
22 **Section 5** of this Ordinance.
- 23
- 24 (12) To execute right-of-entry agreements for the purpose of entering onto private  
25 property for the purpose of constructing public roads (including necessary and  
26 appropriate indemnification and restoration provisions).
- 27
- 28 (13) To execute easements from and to St. Mary's County concerning the  
29 construction of and improvements to County-maintained public roads.
- 30
- 31 (14) To amend, administer, promulgate, and enforce the standards and specifications  
32 of the Manual of Design and Construction Standards.
- 33

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

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

41 **2.4 Waivers**

42 A person may apply to the Director for a waiver from the requirements of this Ordinance.

- 43 a. Purpose. The Director shall not grant a waiver unless and until sufficient written  
44 justification is provided by the applicant and the intent of this Ordinance is met.
- 45 b. Application. A written request for waiver shall be submitted to the Director by the  
46 applicant that states the specific waiver(s) sought and sufficient justification supporting  
47 the non-standard design. The application shall contain such additional information as the  
48 Director may require.
- 49 c. Standards for Granting a Waiver. In making the decision, the Director may grant the  
50 waiver only in cases where the strict compliance with the terms of this Ordinance would



1 result in unreasonable hardship and a waiver would not: 1) violate the spirit and intent of  
2 the regulations; 2) cause or be likely to cause substantial injury to the public health,  
3 safety and general welfare; 3), be injurious to other property or improvements in the  
4 neighborhood., or 4) substantially increase the congestion of public streets.

5 d. Decision. If a request for waiver is sought from the Director, the Director shall decide the  
6 issue raised by the application within fifteen (15) days of receipt of the written request.  
7 The decision shall be in writing and provide a brief statement of the applicable law, the  
8 standards for waiver, and facts; which support the decision. A decision on an application  
9 made in connection with an application for subdivision or site plan approval by the St.  
10 Mary's County Planning Commission is not a final administrative decision for the  
11 purpose of §2.1.a

12  
13 e. Notice. The applicant shall send notice of the decision by registered or certified mail to  
14 all owners of contiguous property (as shown on the latest published records of the  
15 Maryland State Department of Assessments and Taxation), including lands across any  
16 public or private rights-of-way adjacent to the land subject to the application within 15  
17 days of the decision. Notice shall be given to each individual property owner if an  
18 affected property is held in common ownership. Required notice shall also be given to a  
19 municipality if the application concerns land adjacent to its municipal boundaries. The  
20 applicant shall provide the Director, in an approved form, with the names and addresses  
21 of all property owners required to receive notice of the waiver decision pursuant to this  
22 Ordinance. The notice shall include either a statement that the decision of the Director is  
23 subject to review by the St. Mary's County Planning Commission in connection with an  
24 application for subdivision or site plan approval, or notice of a right to appeal the  
25 decision of the Director to the Board of County Commissioner, whichever is applicable.  
26 The notice shall identify the office and phone number where further information can be  
27 obtained.

28  
29 **2.5 Appeals**

30  
31 1. Generally. An appeal of any final administrative decision of any official charged with the  
32 enforcement of this Ordinance, as the result of the disapproval of a properly filed application for a  
33 permit, issuance of a written notice of violation, or an alleged failure to properly enforce the  
34 Ordinance in regard to a specific application may be filed by any person aggrieved by any order,  
35 requirement, decision, or determination made in regard to the administration or the enforcement of  
36 this Ordinance as may be amended from time to time;

37  
38 2. Appeals of Administrative Decisions. Any person having a right to appeal a final administrative  
39 decision of the Director may appeal that decision to the Board of County Commissioners. An  
40 appeal must be filed in writing and state all basis for the appeal with clarity and detail. An appeal  
41 shall be timely if filed in writing within 30 days of the date the mailing of the notice of the final  
42 administrative decision.

43  
44 **2.6 General Application Procedures**

45  
46 All applications required by the provisions of this Ordinance shall be processed in accordance with the  
47 following procedures:

48  
49 1. Determination of Completeness of Application. Applications for development approvals shall be  
50 submitted on the appropriate form set forth in this Ordinance. After receipt of an application, the  
51 applicable authority shall determine whether the application is complete. The time period allowed  
52 for review of an application shall not begin until the application is determined to be complete. If

- 1           the application is not complete, the applicant shall be notified in writing, within 7 calendar days,  
2           specifying the deficiencies of the application, the additional information that must be supplied, and  
3           advising the applicant that no further action will be taken by the County on the application until  
4           the deficiencies are corrected.
- 5
- 6    2.    Remedy of Deficiencies. If the applicant fails to correct the specified deficiencies within ten (10)  
7           days of the notification of deficiency, the application for development approval shall be deemed  
8           withdrawn and will be returned to the applicant.
- 9

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

1 (5) The permit holder must demonstrate to the satisfaction of the Director of Public  
2 Works & Transportation that the extension is in the best interest of the County.  
3

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

13 **3.3 Standards and Obligations**  
14

- 15 a. Standards and Conditions. As a condition of approval, the Director of Public Works &  
16 Transportation may authorize or require variations of Standards and Specifications in  
17 accordance with good engineering principles if site conditions make such variation  
18 necessary.
- 19 b. Frontage Improvements. The applicant is responsible for constructing curb and gutter,  
20 sidewalks, storm drainage, pavement widening, driveway aprons, and sod adjacent to  
21 existing County roads as to the portion of the road that the development fronts on. The  
22 classification and function of the road upon which the development fronts shall determine  
23 the level of improvements.
- 24 c. Restoration of Road Base and Surface. Road bases and surfaces shall be restored to their  
25 former condition, and paving failures and settlements due to a utility cut shall be repaired  
26 prior to acceptance of the road into the County maintenance system. Repairs to cut areas  
27 shall be made in conformance with the applicable standards and specifications.
- 28 d. Repair and Maintenance Bond. A Road Repair and maintenance bond may be required  
29 by **Section 3.6** of this Road Ordinance to ensure compliance with maintenance provisions  
30 for existing roadways, to protect infrastructure from latent defects, and to guarantee  
31 repairs necessitated by construction of new developments and/or the operational activities  
32 from existing properties.
- 33 e. If a proposed subdivision plat requires closure or material alteration of public roads  
34 located outside the boundaries of the subdivision, the preliminary plat may not be  
35 approved until the closure or material alterations have been approved by the Board of  
36 County Commissioners pursuant to the provisions of Chapter 109 of *the Code of St.*  
37 *Mary's County, Maryland.*  
38

39 **3.4 Road Plan Requirements**  
40

- 41 a. Required Plan Information. The applicant shall prepare and submit to the Director of  
42 Public Works & Transportation plans of the proposed work and demonstrate compliance  
43 with the Format Guidelines for Development Plan and Plat Submissions issued by the  
44 Director of the Department of Public Works & Transportation, as amended from time to  
45 time.
- 46 b. Official Right-of-way Line. Where there is an existing road right-of-way, within, adjacent  
47 to or abutting the proposed improvements, the applicant shall retain an authorized  
48 licensed professional authorized by law to confirm same via a previously recorded plat  
49 reference, prescriptive easement or deed, which shall be referenced on the design plans  
50 and plats.

- 1 c. Proposed Grade. The proposed road profile shall be provided on the submitted plans and  
2 profile sheets. Such plans shall show adjacent properties (with lot and block  
3 designations) and topography on the plan views, and the proposed grade with vertical  
4 curve information, curb fillet profiles, existing ground lines at the centerline and both  
5 right-of-way lines on the profile sections.
- 6 d. Drainage. The drainage plan shall show all storm drainage facilities in the plan and  
7 profile, as well as all property lines, curb lines, utilities, ground profiles, and other  
8 pertinent features. Complete design data shall be submitted for all storm drainage  
9 including road stationing and offset to all drainage structures and other improvements  
10 that do not conform with the typical sections and standards contained herein. Appropriate  
11 hydrologic, hydraulic, geometric, structural and other design computations shall  
12 accompany all submissions.
- 13  
14 e. Plan Signature. All design plan drawings, computations, and reports submitted for  
15 approval shall be prepared and sealed by an authorized Registered Professional Engineer  
16 and/or Professional Land Surveyor licensed to practice in Maryland and in accordance  
17 with the respective scope of licensing provisions of the Maryland Department of Labor,  
18 Licensing and Regulations.
- 19  
20 f. Plan Approval. Approval of the plans by the Director of Public Works & Transportation  
21 shall be indicated by signature on the plan cover sheet. Plans may be approved for  
22 various phases such as profile grade, storm drainage, and paving details, however, no  
23 onsite work or construction associated with such an approval may begin prior to approval  
24 of the final site plan and payment of requisite fees and posting the required security  
25 instruments.
- 26 g. Cross Sections and Quantities. Cross-sections shall be required across existing roadways  
27 for the design of widening and other frontage improvements. Cross sections shall be  
28 taken at least every 50 feet and at all abrupt terrain breaks where the algebraic grade  
29 difference is four percent or greater. The centerline and profile grade line shall be  
30 stationed correspondingly. The design engineer shall provide quantity and construction  
31 cost estimates. These estimates shall include all quantities for grade, paving, curb and  
32 gutter, etc., shall be tabulated as directed on forms provided by the Department of Public  
33 Works & Transportation and shall be utilized for purposes of review in order to establish  
34 the appropriate level(s) of financial security.
- 35 h. Additional Data. The Director of Public Works & Transportation may require necessary  
36 additional data, (i.e., design reports, as-builts, digital files for asset management, existing  
37 right-of-way verification documents), pertinent to the scope of the work covered by the  
38 permit. All design reports and support data shall be signed and sealed in accordance with  
39 **Section 3.4.e** and shall clearly state the name, company and phone number of the  
40 individual responsible for the work.

41

42 **3.5 Plan Revisions**

43

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

47

- 48 a. A letter of transmittal shall accompany each revision submitted for review and approval,  
49 describing the revision in detail and its general location; and
- 50  
51 b. The submitting engineer shall seal and date certify all revisions to ensure that no other  
52 changes have been made on the plan or profile except those previously approved; and

- 1
- 2 c. All revisions under this **Section 3.5**, shall be clearly shown and circled in red; and
- 3
- 4 d. A revision block shall be incorporated as part of the title block for a plan or profile sheet.
- 5 Revisions shall be indicated by a numbered "delta" in the vicinity of the change on the
- 6 plan and described in the revision block beside the corresponding number.
- 7
- 8 e. Where significant construction deviation is noted and no plan revision was approved, an
- 9 "as-built" plan and survey, prepared and certified by a Professional Land Surveyor
- 10 and/or Professional Engineer at the same scale as the original plan and showing all
- 11 improvements and final grades shall be required in lieu of the Plan Revision provisions
- 12 contained herein.
- 13

14 **3.6 Performance & Maintenance Bonds**

- 15
- 16 a. General Requirements. No permit for the construction of a road and/or related
- 17 improvements or any work within the right-of-way of a public road in the County
- 18 highway maintenance system shall be issued until the applicant has posted cash or bond
- 19 with an approved corporate surety, or an acceptable assignment of funds in favor of the
- 20 Board, or an irrevocable letter of credit issued by a financial institution approved by the
- 21 County.
- 22 b. Stormwater Management Bond. Where the road construction and development require
- 23 stormwater management according to the provisions of this Ordinance, a stormwater
- 24 management bond must be submitted prior to the execution of the Public Works
- 25 Agreement.
- 26
- 27 c. Exceptions. If the engineer's estimated cost of the work is less than \$1,000.00, personal
- 28 security will be accepted provided that the applicant is the owner of the parcel for which
- 29 the permit is being applied and the construction is residential in nature for the personal
- 30 use of the applicant.
- 31 d. Quantities and Cost Estimates. The Design Engineer shall submit with a permit
- 32 application a tabulated estimate of all quantities and costs, including inspection fees and
- 33 contingent items, for all storm drainage facilities, soil erosion and sediment control
- 34 measures and stormwater management facilities. The Department of Public Works &
- 35 Transportation shall establish the format and unit costs to be utilized by the applicant's
- 36 engineer in preparing the estimate.
- 37 e. Performance Bonds. A cash or acceptable corporate bond or irrevocable letter of credit
- 38 issued by a financial institution approved by the County equal to the total cost of the
- 39 project as estimated by the applicant's Design Engineer, and verified by the Director of
- 40 Public Works & Transportation, plus ten percent (10%) for contingencies, shall be
- 41 furnished by the applicant, prior to record plat approval by the Department, guaranteeing
- 42 the satisfactory completion of all work authorized and incidental to the permit. If
- 43 authorized by resolution by the Board of County Commissioners, the performance
- 44 bond(s) may be deferred, but must be in place prior to the sale of any lot(s), and prior to
- 45 the issuance of any permits governed by this Ordinance. During construction, partial
- 46 acceptance of permitted work or claims against security instruments may be approved in
- 47 accordance with **Section 5.2.d**. Upon acceptance by the County Commissioners of the
- 48 work covered by the permit, the Director of Public Works & Transportation shall certify
- 49 such performance bond as being discharged.
- 50 f. Repair and Maintenance Bonds. Upon acceptance of the roadway and storm drainage
- 51 systems, the applicant shall be required to post a Maintenance Bond with St. Mary's
- 52 County in an amount equal to ten (10) percent of the construction cost as estimated by the
- 53 design engineer, and verified by the Director of Public Works & Transportation. The

- 1 Maintenance Bond is to cover latent defects in the roadway and storm drainage facilities  
2 and damages resulting from construction equipment and vehicles during the term of the  
3 Bond. The Maintenance Bond shall be maintained in the requisite amount for one (1) year  
4 and shall provide for its continuation in full force and effect until six (6) months after the  
5 approval of repairs of any defects discovered during the initial one (1) year period.
- 6 g. Cash Agreements. In lieu of filing a bond, any person may enter into an agreement with  
7 the County, subject to approval of the County Attorney, providing that the applicant shall  
8 deposit in a depository approved by the County, such sum of money as is estimated by  
9 the applicant's Design Engineer, and verified by the Director of Public Works &  
10 Transportation, to be the total cost of all work authorized and incidental to the permit,  
11 including contingencies. The agreement shall itemize the several phases of the work.  
12 Upon completion of each phase, the applicant shall notify the Director of Public Works &  
13 Transportation in writing that work requiring inspection has been completed. The  
14 Director of Public Works & Transportation may release to the applicant any installment  
15 due under the terms of the agreement upon the receipt of a certificate signed by the  
16 Director of Public Works & Transportation, certifying that the work or a phase of the  
17 work has been performed by the applicant according to this Article, as well as other  
18 applicable laws, ordinances and regulations, and that the applicant is entitled to the  
19 installment due for completion of such work. Upon final completion of all work for  
20 which the permit is issued, a final certificate shall be issued and, upon acceptance of the  
21 road by the Board, the final payment shall be made to the applicant. The final draw or  
22 payment under the terms of the agreement shall in no event be less than twenty-five  
23 (25) percent of the total cost of the project.
- 24 h. Acceptance of Security Instruments. Before acceptance, all bonds, irrevocable letters of  
25 credit or acceptable assignment of funds shall be approved by the Director of Public  
26 Works & Transportation and the County Attorney. All bonds, irrevocable letters of credit  
27 or assignment of funds covering construction filed hereunder shall be released upon, but  
28 not before, acceptance of the completed road by the County.
- 29  
30 i. Notification of Non-Compliance. If at any stage the work does not conform to the  
31 permit, or to any instructions of the Department of Public Works & Transportation or the  
32 Maryland Department of the Environment, a written notice to comply shall be given to  
33 the applicant. Such notice shall set forth the nature of corrections required and the time  
34 within which corrections shall be made. Upon the failure to comply with the time  
35 specified, the applicant shall be considered in violation of this Ordinance and in violation  
36 of any applicable Public Works Agreement or other agreement, in which case the bond,  
37 or other security, may be forfeited. The Department may suspend or revoke the permit or  
38 plan and stop work except that necessary to correct the violation.
- 39  
40 j. Notices of Incomplete Work. Prior to the expiration of the permit, the Director shall  
41 notify the permit holder if the authorized work has not been completed. The permit  
42 holder shall complete the work, secure a permit, and post an approved repair and  
43 stabilization bond. Otherwise, the permit holder shall be notified that the processing of  
44 claims against the surety instrument(s) will be recommended to the Board of County  
45 Commissioners.
- 46  
47 k. Permit Suspension/Revocation. In the event the work does not conform to the permit or  
48 to the approved plans and specifications or to any written instructions of DPW&T or  
49 violates any other term or condition, written notice to comply shall be given the  
50 applicant. Such notice shall set forth the corrective measures that must be taken and the  
51 time limit required for taking such action. If the corrective action as stipulated has not  
52 been taken within the time allotted,
- 53  
54 l. The proceeds of any forfeited security will be used by the County for defraying the cost  
55 of contracting, including engineering and administration, for the restoration of the site to

1 meet the minimum requirements of this Ordinance, with particular emphasis on stability,  
2 pollution control, safety, erosion and sediment control.

3  
4 **3.7 Roadway Design Standards**

5  
6 a. General. All material standards, specifications, methods of construction, and methods of  
7 measurements shall be in accordance with the "Standard Specifications for Construction  
8 Materials", Maryland Department of Transportation, State Highway Administration, as  
9 amended. The Director of Public Works & Transportation shall be responsible for  
10 interpretations of such state specifications and standards and the standards established in  
11 this Ordinance. The Director of Public Works & Transportation shall require compliance  
12 with the Manual of Design and Construction Standards, as amended from time to time,  
13 and any other technical guidance material approved by the Director of Public Works &  
14 Transportation. Any request to modify these typical sections shall be forwarded to the  
15 Director of Public Works & Transportation in writing by the design engineer, and shall  
16 include adequate justification as to why such modifications are necessary. In the event an  
17 item(s) proposed to be constructed is not addressed within the State Highway  
18 Administration Specifications or contained in this Ordinance, the design engineer shall  
19 submit special provisions to the Director of Public Works & Transportation for review  
20 and approval.

21 b. Permitted Materials.

22 (1) Storm Drains. Bituminous coated corrugated metal pipe (BCCMP) and  
23 corrugated metal pipe (CMP) are hereby prohibited in the construction of public  
24 roads under the provisions of this Article. Only aluminized corrugated metal  
25 pipe, structural plate pipe and reinforced concrete pipe are allowed on a general  
26 basis, although non-aluminized corrugated metal pipe may be used for driveway  
27 culverts. Only reinforced concrete pipe is allowed, on a general basis, for the  
28 construction of public closed storm drain systems. Plastic pipe, PVC pipe and  
29 corrugated aluminum alloy pipe may be approved by the Director of Public  
30 Works and Transportation, on a case by case basis.

31 (2) Culverts. Culverts shall be constructed of reinforced concrete pipe or structural  
32 plate arches. Roadway embankments used as stormwater management facilities  
33 shall be in conformance with the Stormwater Management, Grading, Erosion  
34 and Sediment Control Ordinance. As set forth in the Stormwater Management,  
35 Grading, Erosion and Sediment Control Ordinance, Class IV reinforced concrete  
36 pipe must be used in traffic bearing areas of public roads.

37 (3) Gauge. The minimum gauge of any metal pipe used in a public roadway right-  
38 of-way shall be that which has a 50-year design life for site and soil conditions,  
39 but in no event shall such pipe be thinner than Gauge 14 CMP. The use of Gauge  
40 12 or thicker Aluminized-CMP will preclude the need for supporting data (i.e.,  
41 pH / resistivity testing). Reinforced concrete pipe must be used when the pipe  
42 slope is 10 percent or greater. Unless otherwise approved, a minimum Class IV  
43 reinforced concrete pipe shall be used in the construction of public roads.

44 (4) Sidewalks and Trails. Pervious pavements may be approved in lieu of the  
45 standards contained herein.

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



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

- 1 (7) Any planting and staking of landscaping within the right-of-way shall be in  
2 accordance with the Maryland State Highway Administration's "Standards for  
3 Highways and Incidental Structures".
- 4 (8) Trees shall be in accordance with the Recommended List of Trees for Roadside  
5 Streetscape Planting as shown in the Manual of Design and Construction  
6 Standards, as amended from time to time.

7 **3.8 Alignment**  
8

9 Roads shall be centered and constructed within the dedicated public right-of-way wherever possible. Where  
10 approved planning documents indicate a need for future divided roadway, the right-of-way shall be sized  
11 and first lane shall be placed off center to accommodate the ultimate divided roadway. Easements shall not  
12 be accepted to make up the minimum required right of way if any construction is proposed thereon. Slope,  
13 construction, and sight distance easements shall be provided where required.

14  
15 a. Horizontal Alignment (curvature).

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

35 b. Vertical Alignment (Grade).

- 36 (1) The maximum longitudinal grade of streets shall be as indicated in this  
37 Ordinance and the Manual of Design and Construction Standards, as amended  
38 from time to time. Maximum centerline grade in cul-de-sacs may not exceed 4  
39 %.
- 40 (2) The minimum grade in the ditch line along rural streets shall be 0.75 percent,  
41 and 0.50 percent along urban streets. Gutter extensions may be required, at the  
42 discretion of the Director of Public Works & Transportation across intersections  
43 where minimal grades are utilized.
- 44 (3) Vertical curve lengths shall be designed to provide at least the minimum  
45 stopping sight distance required for the road design speed. Crest vertical curves  
46 shall be designed for a design speed of at least 30 MPH.
- 47 (4) Vertical curves shall be used in changes of grade exceeding 1 percent. The  
48 minimum length of vertical curves shall be 100 feet. Grade breaks, high points

1 and low points with corresponding elevation are to be shown on profile and on  
2 plan views. No grade breaks shall be allowed within a vertical curve.

3 (5) If a roadway is intended to be extended with the development or into the  
4 abutting property, the proposed grade and existing profiles for the future  
5 extension shall be shown for a distance of at least three hundred feet (300').

6 c. Super-elevation.

7 (1) Public roads within the boundaries of subdivisions and public roads within  
8 commercial and industrial developments shall not be super-elevated;

9 (2) The maximum rate of super-elevation for other public roads shall be 6 percent.

10 (3) Super-elevated pavements shall be rotated around the centerline, except where  
11 this procedure would adversely affect adequate storm drainage design.

12  
13 (4) Two-thirds of the super-elevation transition shall be accomplished on the  
14 tangent. The design engineer shall provide the necessary super-elevation tables  
15 and critical sections on the design plans.

16 d. Sight Distance.

17 (1) Adequate sight distance shall be based on the ability for a vehicle to enter the  
18 main stream of traffic without interrupting the flow of traffic in accordance with  
19 the Manual of Design & Construction Standards and the Maryland State  
20 Highway Administration Manual of Design and Construction Standards, as  
21 amended from time to time and may be adjusted for roadway grades in  
22 accordance with AASHTO guidelines.

23 (2) Minimum stopping sight distance, as shown in the Manual of Design &  
24 Construction Standards, shall be provided on all streets. The stopping sight  
25 distance requirements shall be based on stopping distance with an eye height of  
26 three feet, six inches and object height of two feet. In addition, sight distance  
27 adequate to avoid turning movement conflicts with approaching vehicle must be  
28 demonstrated.

29 (3) Where there is a sight obstruction such as a building, tree, hedge, wall, guardrail  
30 or cut slopes, approval may be granted where efforts are made to provide as long  
31 a sight distance as feasible, but never less than the safe stopping sight distance.  
32 The height at which sight is obstructed shall be the actual height, if known, or  
33 the assumed height, which, for vegetative cover, is normally one (1) foot.

34 (4) For entrances and intersections, sight distance requirements are based on the  
35 posted speed limits of the primary street involved in the intersection, and on an  
36 eye height of three feet, six inches and object height of four feet, three inches,  
37 measured each way. In general, the primary street shall be the roadway with the  
38 higher functional classification and/or prevailing traffic volume.

39 (5) Profiles of existing roads must be shown for the applicable sight distance length  
40 or a minimum of 300 feet beyond the limits of construction, whichever is  
41 greater.

42 e. Street Intersections.

43 (1) "Standards for Street Intersections" are depicted on plates approved by the  
44 Director of Public Works & Transportation in the Manual of Design &  
45 Construction Standards, as amended from time to time.

46 (2) The typical pavement cross-section of the primary road shall be maintained and  
47 held constant between the pavement and / or curb returns of the intersecting  
48 roadway(s). The profile and cross-section of the secondary road shall be  
49 designed and adjusted to fit.

- 1 (3) Right angle intersections shall be used, wherever practicable. No new public  
2 road shall intersect any other street at less than a 75-degree angle.
- 3 (4) When proposed pavement adjoins an existing pavement, edges must be saw-cut  
4 and binder applied to assure a smooth joint. Existing roadway will be evaluated  
5 by the design engineer and the Department of Public Works & Transportation to  
6 determine the need for overlay or extent of rehabilitation work. Pavement  
7 corings shall be conducted by the applicant to determine the existing pavement  
8 section and its sufficiency to accommodate the traffic loading.
- 9 (5) Approach grades to all street intersections shall be reviewed by the Director of  
10 Public Works & Transportation. The cross slope of the primary street shall be  
11 continued through the intersection for an approach leveling area (at a 4%  
12 maximum grade) of at least 75 feet (measured from the intersection of the  
13 centerlines). The algebraic difference of the grade break shall not exceed 6%. In  
14 cases where the intersection include either collector or arterial roads, the design  
15 criteria established by the State Highway Administration and contained in the  
16 Rules and Regulations for Commercial, Subdivisions, Industrial, and Residential  
17 Entrances, as amended, shall apply.
- 18 (6) Acceleration, deceleration, channelization, and bypass lanes at an entrance to or  
19 within a proposed development may be required at the discretion of the Director  
20 of Public Works & Transportation. The necessity for such shall be based upon  
21 the Manual of Design and Construction Standards, the ultimate size of the  
22 proposed development and the safe functioning of the streets and roads (i.e.,  
23 traffic volumes, speeds, roadway capacity, available sight distance and angle of  
24 the intersections).
- 25 (7) Temporary traffic control and street signs shall be installed after the gravel base  
26 has been prepared or when the first dwelling is occupied, whichever first occurs.
- 27 (8) The use of "T" intersections and loop streets to minimize the number of cul-de-  
28 sac termini for interior subdivision streets is strongly encouraged. Where road  
29 frontage is available and adequate intersection separation is obtainable, all  
30 subdivisions shall have a sufficient number of access points for ingress and  
31 egress to an existing public road in accordance with the Subdivision  
32 Regulations.
- 33 (9) To the fullest extent possible, streets shall not intersect major collectors and  
34 arterials at intervals less than 750 feet. For lower classification roadways, a  
35 minimum separation of 250 feet, measured between centerlines, is required.
- 36 (10) Streets entering opposite another street (where the frontage roadway is a local,  
37 minor, collector, major collector or arterial) shall be laid out either directly  
38 opposite one another or with a minimum offset, depending upon the  
39 classification of the frontage roadway, of (125', 175', 250', 325') between their  
40 centerlines, respectively.

41 f. Crossover spacing. The Director may grant a waiver of the minimum crossover spacing  
42 after an individual study. If significant traffic generating locations are not present on the  
43 side street(s), then crossovers are not to be shown on the plans. The following crossover  
44 spacing requirements shall apply to all roadways with a median divider:  
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**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

g. Cul-de-Sacs, “T” Turnarounds and Roundabouts.

- (1) Permanent dead-end streets shall have a permanent cul-de-sac, constructed as shown in the Manual of Design & Construction Standards, as amended from time to time. A permanent "T" turnaround may be approved where the applicant can demonstrate that construction of a cul-de-sac is not feasible.
- (2) Short dead-end streets that terminate at the subdivision boundary which are proposed for future extension beyond the subdivision boundary will be provided with a temporary cul-de-sac or “T” turn-around, constructed in a temporary grading and construction easement, located either on-site or off-site. Temporary dead-end streets resulting from phased development shall have a temporary "T" turn-around constructed in lieu of a cul-de-sac or permanent “T” turnaround in accordance with an approved phasing plan. A temporary “T” turn-around may also be provided when the road construction plans for the adjoining section of the development has been approved and bonded.
- (3) Roundabouts shall be designed in accordance with the State Highway Administration’s “Roundabout Design Guide” with modifications as required by the Director of the Department of Public Works & Transportation.
- (4) The maximum length for dead end and cul-de-sac streets shall be ¼ mile as measured from the centerline of the cross street to the center of the turnaround center of the radius. The use of “T” intersections, loop roads and multiple access points shall be utilized to the extent practicable and in conjunction with the site access provisions of the Subdivision Regulations in the design of subdivisions.

h. Curbs, Gutters, Medians, Traffic and Pedestrian Refuge Islands.

- (1) Where required, concrete curb and gutter shall conform to the standards shown on plates the Manual of Design & Construction Standards, as amended from time to time.
- (2) The minimum design grade of a concrete gutter, where required or proposed, shall be one-half of one percent (0.5 %). The as built grade shall not be less than 0.2% at any point.
- (3) All unpaved areas within the travel lanes of a public road right-of-way and with an area of at least 75 square feet must be raised and bounded by concrete curb or combination curb and gutter. The pitch of the gutter pan may be reversed for drainage purposes, such as with a super-elevation section or the high side of a crown section at the median island.
- (4) Minimum curb tangent length between entrances and property lines shall be 5 feet.
- (5) Minimum nose curb radius rounding shall be 2 feet. The approach nose shall be offset a minimum of 2 feet from the edge of the travel lane.

- 1 (6) For handicapped access, raised islands shall be cut through level with the street  
2 or have ramps at both sides and a level landing area of at least 48 inches in  
3 length & width. Handicapped ramps shall comply with State and federal  
4 requirements and have a textured non-skid surface.
- 5 (7) Valley gutters shall be used only where approved by the Director of Public  
6 Works & Transportation, but will normally be permitted where no more than 2  
7 cubic feet per second (cfs) of runoff flows across an intersection.
- 8 (8) All divisional islands 4 feet or less in width, as well as triangular islands less  
9 than 150 square feet, shall be paved with a concrete surface. A monolithic design  
10 may be required at the discretion of the Director of Public Works &  
11 Transportation.
- 12 (9) Plantings and ornamental trees having a branching height of less than 5 feet  
13 within a curb island or median and that impede the required sight distance are  
14 prohibited. The County reserves the right to perform removal and/or  
15 maintenance if required.
- 16 (10) Curb return profiles shall be shown on all public road plans, where any of the  
17 intersecting street grades are two percent (2%) or less.
- 18

19 i. Offsite and Frontage Improvements.

- 20
- 21 (1) Street construction shall be provided along the full frontage of the existing  
22 intersecting street(s). When a subdivision abuts one side of any existing street which  
23 has been dedicated for public use and included in the County or State maintenance  
24 systems, additional right-of-way to improve the horizontal alignment or to meet the  
25 minimum design standards for the existing street may be required by the Director.
- 26
- 27 (2) Responsibility for grading, widening, surfacing and/or curbing of such street may be  
28 included in the required improvements.
- 29
- 30

31 **3.9 Pedestrian and Bicycle Facilities**

- 32 a. Standards for subdivisions with public roads shall be in accordance with the Manual of  
33 Design and Construction Standards, as amended from time to time, and the requirements  
34 of this section.
- 35 b. Sidewalks, walking paths, and bike paths shall be required as a part of planned roadway  
36 systems and shall be designed to connect to cultural resources and other public and  
37 private sites in adjacent development projects in accordance with the connectivity  
38 provisions in the Zoning Ordinance and the proposed bicycle, sidewalk, and trail  
39 networks identified in the County Transportation Plan.
- 40 c. Sidewalks to be maintained by the County are to be constructed using Portland cement  
41 concrete with a 28-day design compressive strength of 3,000 pounds per square inch (psi)  
42 and a minimum thickness of 4 inches, unless an alternative pervious pavement is  
43 approved by the Director.
- 44 d. Where a subdivision is within 1 mile of an elementary school and/or within 1.5 miles of  
45 an intermediate or high school, a sidewalk or paved walkway shall be constructed.  
46 Sidewalks shall be constructed on all streets of the proposed subdivision, including all  
47 reverse or side frontage lots and open space, and shall extend to and include the limits of  
48 required frontage improvements along existing public roads. Sidewalks at transit and bus  
49 stops shall be a minimum of 8 feet wide and may abut the curb.
- 50 e. Safety Considerations. The safety of pedestrians shall be a prime consideration in  
51 sidewalk design.

- 1 (1) Except at transit and bus stops, a utility strip with a minimum width of 2 feet is  
2 required between the edge of the sidewalk and the back edge of the curb. The  
3 actual separation should be a safety consideration by the design engineer, and  
4 shall be a consideration in the approval process.
- 5 (2) No sidewalk shall be constructed directly adjacent to street pavement(s).
- 6 (3) Sidewalks shall be located in accordance with the standards and specifications  
7 of the Manual of Design and Construction Standards. Two-way trails parallel to  
8 rural ditch section roadways shall be constructed on the far side of the ditch.
- 9 (4) Bicycle facilities shall have an unobstructed vertical clearance of not less than 8  
10 feet.
- 11 (5) In pedestrian oriented commercial and mixed-use developments, the sidewalk  
12 width shall be a minimum of 8 feet in width.
- 13 (6) In accordance with the Comprehensive Plan, bicycle lanes shall be considered  
14 and incorporated, as required, into the planning and development of new roads,  
15 road improvement projects, and as necessary amenities to be provided in growth  
16 areas, major subdivisions and commercial developments. Bicycle lanes within or  
17 immediately adjacent to a roadway shall be designed for bicycle flow in the  
18 same direction as the adjacent vehicular traffic.
- 19
- 20 (7) For rural, public roadways serving local traffic, pavement width shall be  
21 increased by at least 8 feet on roads classified as minor collector or higher and 4  
22 feet on other rural public roads shall be provided. A minimum unimproved  
23 shoulder of 18 inches shall also be provided for stabilization and edge clearance  
24 in accordance with the Manual of Design and Construction Standards.
- 25
- 26 (8) Where separate two-way pedestrian and bicycle facilities are proposed, the  
27 minimum width shall be 8 feet. Where combined one-way pedestrian and  
28 bicycle facilities are proposed, the minimum width shall be 6 feet.
- 29
- 30 (9) Crosswalks may be warranted due to a combination of roadway vehicular  
31 volume, pedestrian crossing volume, speed limit along the approach, and traffic  
32 controls at the crossing as depicted in Manual of Design and Construction  
33 Specifications, as amended from time to time. The use of crosswalks may be  
34 warranted where there is substantial conflict between motorists and pedestrian  
35 movements; when the best location for pedestrians to cross may be unclear due  
36 to geometric or traffic operational conditions; in high volume pedestrian areas  
37 such as town centers, village centers and development districts; at approved  
38 school crossings; at signalized intersections; or as otherwise justified. The  
39 following locational criteria shall be applied to all proposed crosswalks:  
40
- 41 i. Mid-block crossings are not normally installed if an  
42 intersection is within 400 feet of the proposed mid-block  
43 location.
- 44 i. A crosswalk proposed at an intersection shall not be located  
45 closer than four (4) feet from the nearest edge of pavement of  
46 the parallel road.
- 47 ii. Pavement markings and signage shall be in accordance with  
48 the Manual on Uniform Traffic Control Devices and the  
49 Maryland Supplement to the Manual, as amended.
- 50  
51  
52

1 **3.10 Bridge Design Standards and Specifications**  
2

- 3 a. General. The structure selected shall be the one, which provides the most satisfactory  
4 service by the most economical means through the structures useful life. The minimum  
5 design loading for bridges shall be in accordance with AASHTO Guidelines for non-  
6 inventoried structures, and Maryland State Highway Administration standards for  
7 inventoried structures.
  
- 8 b. Permitted Materials. In general, structural steel, reinforced concrete, pre-cast concrete  
9 box culverts, structural pipe / steel arch culverts and pre-stressed concrete structures are  
10 permitted. Glulam and composite bridge structures may also be permitted when approved  
11 by the Director of Public Works & Transportation. A repair and maintenance bond shall  
12 be posted and maintained by the applicant build-out of the entire development plus one  
13 (1) year, but never less than five (5) years.
  
- 14 c. Location and Alignment. Bridges shall be located and aligned perpendicular to the natural  
15 waterway as nearly as possible. Skew angles shall be minimized.
  
- 16 d. Curves. Horizontal and vertical curves, which would affect the alignment of the  
17 structure, shall be avoided in the design of the approach roads.
  
- 18 e. Hydraulic Performance. The design engineer shall consider and report the hydraulics,  
19 stability and effect of upstream and downstream properties and channels within the  
20 watercourse. The effect of the headwater conditions on properties upstream of the  
21 structure(s) must be evaluated and reported by the design engineer.
  
- 22 f. Elevation. The underside of the superstructure shall be a minimum of 2 feet above the  
23 design high water elevation.
  
- 24 g. Approach. The approach roadway (traveled way plus shoulders) shall be carried across  
25 the structure. Sidewalks shall be carried across a bridge if the approach roadway has  
26 sidewalks.
  
- 27 h. Certification. At the applicant's expense, plans must be certified by a structural engineer  
28 and work inspected by a qualified structural engineer, who must also certify the as-built  
29 plans. The Director of Public Works and Transportation may waive inspection and  
30 certification requirements for pre-cast structures. Any consultant fees incurred by the  
31 Department of Public Works and Transportation for review of structural plans shall be  
32 reimbursed by the applicant.
  
- 33 i. Loading. For all bridge simple spans less than 35 feet in length, an AASHTO HS27  
34 design loading shall be used in all analysis. Bridge spans 35 feet and greater in length  
35 shall use an HS 25 design loading in all analysis. All pedestrian structures shall be  
36 designed for 85 pounds per square foot live load, plus actual dead load, including 15  
37 pounds per square foot for the use of steel stay-in-place bridge deck forms, as may be  
38 applicable.
  
- 39 j. Aesthetics. The State Highway Administration Aesthetics Bridges Users Guide shall be  
40 utilized as a guideline for all proposed bridge structures.
  
- 41 k. Pedestrian Bridges. Pedestrian bridges shall not be greater than 8 feet in width, except for  
42 trails wider than 6 feet, for which the pedestrian bridge shall be 2 feet greater than the  
43 width of the trail. Pedestrian bridges shall be prefabricated using standardized steel truss  
44 design with pressure treated timber decking. Alternative designs may be approved for  
45 spans greater than 50 feet. Any consultant fees incurred by the Department of Public  
46 Works and Transportation for review of structural plans shall be reimbursed by the  
47 applicant.  
48  
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50



1 **3.11 Traffic Control and Traffic Calming**

2  
3 a. Signs and Markings. Street signs and traffic control signs including but not limited to  
4 speed limit, stop and yield signs shall be made of high intensity sheeting and installed by  
5 the applicant as directed by the Director of Public Works & Transportation.

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

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

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

20 (4) In areas where speed and traffic volume conditions warrant, the County may  
21 require the installation of traffic calming measures such as speed humps, edge  
22 striping, traffic circles, mini round-a-bouts, etc. The applicant can preclude or  
23 avoid the need for such structures by using curvilinear roadway designs to  
24 manage traffic speeds.

25  
26 b. Street Lighting. Street lighting may be requested by the applicant or required by the  
27 Director of Public Works & Transportation within developments, crime “hotspots”, and at  
28 intersections to ensure the safety of vehicular and pedestrian traffic and the security of  
29 property owners. Lighting shall not be required or permitted for development in the RPD  
30 unless specifically approved or required by the Director of Public Works &  
31 Transportation to address safety concerns. Lighting shall be installed in accordance with  
32 the Manual of Design and Construction Standards as amended from time to time.

33 c. Guardrail / Barricades.

34 (1) Guardrails shall be erected on roadways at points of extreme hazard to a vehicle  
35 leaving the traveled portion of the roadway. Generally, guardrails may be  
36 required at fills when the slope ratio is steeper than 3 to 1; where obstacles such  
37 as bridges, piers and sign supports exist or are planned within 30 feet of the edge  
38 of pavement; or for other non-traversable roadway hazards such as streams. The  
39 Director of Public Works & Transportation shall consult AASHTO’s Roadside  
40 Design Guide and the Maryland State Highway Administration’s Guidelines for  
41 Traffic Barrier Placement and End Treatment Design, but may exercise  
42 discretion regarding the need and placement of guardrail. Guardrail shall be  
43 installed in accordance with the Maryland State Highway Administration’s  
44 Book of Standards and Guidelines for Traffic Barrier Placement and End  
45 Treatment Design.

46  
47 (2) Where roadway construction ends in fill areas, or where permanent T-  
48 turnarounds are proposed, guardrail W-beam barricades shall be erected in  
49 accordance with the Maryland State Highway Administration’s Book of  
50 Standards. Alternatives may be approved by the Director of Public Works &  
51 Transportation in accordance with State standards, or as depicted in the Manual  
52 on Uniform Traffic Control Devices and Maryland Supplement to the Manual.

1  
2 **3.12 Geotechnical and Utility Requirements**

3 a. Requirements. In certain areas of the County there are potential soil problems and high  
4 water table conditions. Where such conditions are identified, a geotechnical investigation  
5 and report shall be prepared and the recommendations incorporated into the construction  
6 plans. The report shall be certified by a licensed professional authorized by law to make  
7 such a certification. All aspects of construction, including materials and methods, in these  
8 areas shall be approved by the Director of Public Works & Transportation.

- 9 (1) *Report.* The report shall include, but not be limited to, the following: (a)  
10 surface features; (b) hydrologic features; (c) exploration methods; and (d)  
11 groundwater engineering analysis and recommendations. The investigation shall  
12 be performed to address existing and in-situ conditions including ground  
13 slippage, instability, high water table conditions, high shrink / swell soils, highly  
14 erodible soils or other potentially problematic conditions. The analysis and  
15 report shall include recommendations and advise concerning: pavement  
16 foundations; retaining wall design; sheeting; shoring or other methods of trench  
17 bracing; earthwork; site grading; and soil stabilization.
- 18 (2) *Inspection.* All unanticipated construction involving problem soils must be  
19 performed under the full-time inspection of a professional engineer.
- 20 (3) *Certification.* Where geotechnical inspections are required, the professional  
21 engineer shall furnish a written opinion to the County as to whether or not work  
22 has been performed in accordance with the approved plans and his/her  
23 recommendations for work in the vicinity of the units to be occupied prior to the  
24 issuance of residential or non-residential use permits.

25 b. Utility Requirements. Utility crossings shall require 4-inch Schedule 40 PVC conduit  
26 crossings (edge of shoulder to edge of shoulder) at the point-of-curve of each  
27 intersection, and on the property line every 3 lots, not to be less than every 500'. The  
28 locations shall be denoted on the plans, and the conduit shall have tracer wire for ease of  
29 field location.

- 30 (1) *Repair.* The repair of pavement openings for utility trenches shall be in  
31 accordance with the State Highway Administration's Standards for Highways  
32 and Incidental Structures.
- 33 (2) *Backfill.* Backfill and compaction for utility cuts shall require testing and  
34 certification prior to final paving and acceptance of the road. Utility trenches  
35 shall be back-filled full depth to the top of the sub-grade with a flowable cement  
36 stabilized backfill in accordance with Maryland State Highway Administration  
37 Standard Specifications for Construction and Materials.
- 38 (3) *Crossings.* All proposed and existing culverts, storm sewer crossings, sanitary  
39 sewer crossings and utility crossings shall be shown on street profiles at the  
40 proper location and grade.
- 41 (4) *Additional Information.* When required by the Director of Public Works &  
42 Transportation, concrete piers, expansion material, boring, test pit and any other  
43 information pertinent to the design and construction shall be submitted to the  
44 Department of Public Works & Transportation and included on the construction  
45 plans.
- 46 (5) *Location.* In general, sanitary sewer will be located in the center of the  
47 outermost travel lane and placed on the north or west side of the roadway.  
48 Water lines will be located in the center of the outermost travel lane, and placed  
49 on the south or east side of the roadway center line.  
50

**3.13 Storm Drainage Requirements**

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

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

- (1) Closed systems shall be designed to carry 10-year frequency storms and the surcharge overflow from 25-year storms without adversely affecting or damaging public streets, allies, and rights-of-way (i.e., localized or downstream flooding, erosion and property damage). Closed systems shall be designed to carry 25-year frequency storm in sumps and other critical areas where overflow is not permissible. An easement or fee simple right-of-way shall be granted as required for maintenance of the inlets by the Department of Public Works & Transportation and shall extend at least 10 feet beyond the outside limits of the pipe inlet or “outlet works”, and shall be a minimum of 20 feet in width. Drainage easements shall be separately designated and extend from the maintenance easement area(s), and encompass design storm runoff to the approved natural/existing out-fall. All drainage easements shall be maintained by the property owner(s).
- (2) Wherever practicable, existing natural drainage-ways shall be preserved as a supplementary element to closed drainage systems. In all cases, closed systems shall discharge into existing natural drainage-ways as soon as is practicable.
- (3) Where, as a function of net development densities, closed drainage systems are not essential to serve portions of development dedicated to permanent open space, the use of existing natural or open ditch drainage-way systems may be approved. This approval is subject to determination by the Director of Public Works & Transportation that the open system design is adequate considering existing and projected topographic and ground coverage conditions.
- (4) The minimum velocity in closed stormwater runoff systems shall be 2 feet per second (fps). The maximum velocity in closed stormwater runoff systems shall be 25 fps. The minimum allowable slope for closed stormwater runoff systems is 0.50 percent, but one percent is preferred. The maximum allowable slope for closed stormwater runoff systems is 20 percent. A closed stormwater runoff system may be approved at a slope greater than 20 percent if suitably designed anchors are provided at a maximum horizontal spacing of 15 feet.
- (5) The design and evaluation of standard curb opening inlets will be made using a value for the local depression of 1.5 inches. The inlet depression shall not exceed 2.0 inches.
- (6) Inlets, where required at intersections, should not be placed between the PC or PT of curb (or proposed curb). Inlets shall never be placed within the curb fillet.
- (7) The minimum design grade along urban streets shall be 0.5 percent. Inlets on grade shall be spaced to pick up at least 85 percent of the total gutter flow and the maximum allowable spread of flow in the curb and gutter section shall be 10 feet for the 10-year storm. 100 percent of the flow must be intercepted at the

- 1 next downstream inlet. Sump inlets must be designed to pick up 100 percent of  
2 the flow for the 10-year storm.
- 3 (8) The minimum size of any culvert or storm drain shall be 15 inches or a  
4 hydraulically equivalent sized pipe. Storm drains crossing water mains and  
5 sanitary sewers shall be constructed with a minimum clearance of 12 inches or  
6 concrete encasement shall be provided. Clearance shall be measured between  
7 outside diameters of pipes. A minimum separation of 8 inches shall be  
8 maintained between a storm drainpipe and the surface material in a private  
9 driveway and at least 12 inches in a public street or roadway, at the shoulder as  
10 well as at the centerline.
- 11 (9) Maximum allowable spread of flow for private commercial and industrial  
12 developments shall be 15 feet.
- 13 (10) Inlet Spacing. Inlet spacing shall be governed by the following criteria:
- 14 (a) Maximum allowable flow in standard curb and gutter streets shall be  
15 5.0 cubic feet per second (cfs);
- 16 (b) Maximum allowable flow across street intersections, where valley  
17 gutters are permitted, shall be 2.0 cfs;
- 18 (c) Maximum allowable flow along curb fillets shall be 2.5 cfs;
- 19 (d) Maximum allowable flow from any development to the County streets  
20 shall be 2.0 cfs. The Applicant shall be required to provide on-site  
21 private drainage systems for such developments, which may be  
22 connected to adequate County-owned systems within the public streets;  
23 and
- 24 (e) In calculating the spread within vertical curves, the actual grade  
25 between the point 25 feet prior to the inlet and the beginning of the  
26 inlet shall be critical, not the longitudinal tangent grade of the roadway.
- 27 b. Open Drainage Systems. Drainage systems for roadways classified as minor collector,  
28 major collector, or an arterial road shall be designed for the 25-year storm event. Open  
29 drainage systems for all other roadways shall be designed for a 10-year frequency storm,  
30 unless the Director of the Department of Public Works & Transportation determines that  
31 an alternative design criteria is warranted based on the characteristics of the proposed  
32 development or locale. Open drainage systems must demonstrate and meet the following  
33 criteria for the storm frequency, as set forth above:
- 34 (1) Except as set forth below, open stormwater runoff drainage systems within road  
35 rights-of-way shall be designed to maintain flows below 10 cubic feet per  
36 second (cfs). The depth of flow shall not exceed the depth of the ditch.
- 37 (2) Drainage from rights-of-way must flow in an easement, which should be along  
38 lot lines wherever possible.
- 39 (3) Unless the provisions of the Stormwater Management Grading, Erosion &  
40 Sediment Control Ordinance are more stringent, the maximum permissible  
41 velocities of flow for unprotected grass channels shall not exceed 3.5 fps, or  
42 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 provide a freeboard of 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.
- (10) When a proposed street parallels or is located near an existing stream or open drainage-way, profiles of the top of the bank of the stream, computed water elevations and invert (or flow line) of stream or open drainageway shall be provided. The relationship of a proposed street grade to existing profiles of the stream or open drainageway shall be shown.

1 **3.14 Transit Bus Shelters**

2  
3 Specific guidelines for locating bus shelters are noted below:  
4

- 5 a. Shelters shall be provided in accordance with the Comprehensive Zoning Ordinance,  
6 Subdivision Regulations and along transit route corridors identified in the County  
7 Transportation Plan.
- 8 b. Bus shelters near intersections should be set back from the crosswalk approximately 10 feet  
9 to avoid conflicts with pedestrian traffic. If a bus stop is on the far side of an intersection, the  
10 shelter should be located a minimum of 40 feet from the crosswalk to allow adequate room  
11 for the bus to stop.
- 12 c. A distance of 3 feet should be allowed between the bus shelter and the curb for free  
13 movement in boarding and exiting from the bus.
- 14 d. Bus shelters should have their long side parallel to the sidewalk to minimize interference with  
15 pedestrian traffic.
- 16 e. Exit and entry openings should be oriented so that people are protected from the wind.  
17 However, it is important to keep the side of the shelter facing the street open to allow  
18 passengers to board or exit the bus easily.
- 19 f. Elements such as information kiosks or vendors that can obstruct the view of on-coming  
20 buses should be located “down-stream” from the shelter.

1 **ARTICLE 4. CONSTRUCTION AND INSPECTION**

2 **4.1 Construction Requirements**

- 3
- 4 a. Roadways shall be graded to their minimum typical section within the right-of-way  
5 necessary to accommodate proper drainage and road improvements. Earthwork shall  
6 include clearing and grubbing, the removal and replacement of all unsuitable material and  
7 the proper preparation of sub-grade, as recommended by a Professional Engineer and  
8 approved by the Director of Public Works & Transportation.
- 9 b. Where required in accordance with Maryland State Highway Standards, or required for  
10 positive drainage, adequate sub-grade drains, sidewalk and/or pavement under-drains  
11 shall be placed according to the approved plans
- 12 c. No work on road pavement shall be started until all underground utilities or utility  
13 conduits proposed to cross said road have been installed and properly back-filled.
- 14 d. All materials used in construction shall conform in every detail to County standards,  
15 unless otherwise approved and accepted by the Director of Public Works &  
16 Transportation.
- 17 e. A thick and well established stand of permanent grass shall be obtained by seeding or  
18 sodding prior to release of bond. For seeded areas there shall be at least 2 inches of  
19 topsoil.
- 20 f. Street and traffic signs shall be erected at all intersections. These signs shall show the  
21 names of intersecting streets and be of high intensity sheeting with a minimum warrantee  
22 of twelve (12) years and shall be installed in accordance with the Manual of Design and  
23 Construction Standards.
- 24 g. Temporary traffic control and street signs shall be installed immediately after gravel base  
25 course asphalt has been constructed, or at such time as any dwelling unit is occupied,  
26 whichever occurs first.
- 27 h. Traffic control along County-maintained roadways shall be in accordance with the  
28 Manual on Uniform Traffic Control Devices. Transverse pavement markings such as  
29 crosswalks and stop lines shall be a minimum width of 12 inches and 16 inches,  
30 respectively, and constructed of 125 mil thermoplastic material.

31

32 **4.2 Inspection Requirements**

- 33
- 34 a. Inspection Requirements. Inspections will be conducted by the Department of Public  
35 Works & Transportation to assure compliance with the permit.
- 36
- 37 (1) Inspections shall include sub-grade, gravel base, curb and gutter line/grade,  
38 asphalt base stakeout, fine grade, base course asphalt, surface course asphalt,  
39 structural back-fills, stormwater management facilities and shall be in  
40 accordance with the established Subdivision Road Construction and Inspection  
41 Procedures, as amended from time to time.
- 42 (2) The applicant shall notify the Director of Public Works & Transportation, or his  
43 duly authorized representative, at least 2 days before commencement of any  
44 construction authorized by a permit issued hereunder. In the event there is an  
45 interruption or cessation of the work for a period of more than 30 days, then the  
46 applicant shall notify the Director of Public Works & Transportation at the end  
47 of each interruption or cessation of his intent to actively resume operations at  
48 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.
- 11
- 12 b. Re-inspections and Special Inspections. Re-inspections for acceptance of permitted work  
13 and/or special inspections for a reduction in surety as requested by the permit holder are  
14 subject to fees in accordance with the established Fee Schedule.
- 15 c. Inspection Field Reports. The Director shall ensure that inspections are performed during  
16 construction of permitted improvements by the applicant. Field Reports shall be  
17 completed and provided to the applicant or his/her duly authorized representative for  
18 corrective action.
- 19 d. Notification of Completion. The applicant or his agent shall notify DPW&T when the  
20 grading operation is ready for final inspection. Final approval shall be given in a timely  
21 manner when all permitted work as well as the required vegetative stabilization has been  
22 completed, the required reports have been submitted and a repair and maintenance bond  
23 has been posted.
- 24
- 25 e. Inspection Schedule. The inspection schedule shall be as established and published by the  
26 approving authority.



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, to include sight distance provisions. Excavations or other  
11 hazards shall be properly barricaded at all times and proper connections shall be made to  
12 drives and walks at occupied residences. The applicant is required to keep the roadway  
13 shaped up by blading, as necessary, and to correct muddy or soft sub-grade by placing  
14 appropriate fill materials.
- 15 b. The applicant is responsible for plowing snow and maintaining access to habitable or  
16 inhabited residences or other facilities until the County Commissioners finally accept the  
17 road. It shall be the responsibility of the applicant to remove any dirt or debris deposited  
18 on public and private roads in and adjacent to the work area during the construction  
19 period.
- 20 c. All work within the right-of-way shall have proper traffic control to ensure the safe and  
21 efficient movement of traffic approaching, through, and departing the work area.  
22 Maintenance of traffic shall be in accordance with the latest edition of the Manual on  
23 Uniform Traffic Control Devices, and the State Highway Administration's Standards for  
24 Highways and Incidental Structures. Roadways shall not be completely closed at any  
25 time unless approved by the Director of Public Works & Transportation, and adequate  
26 advanced notice is given.
- 27 d. The applicant is responsible for all grading, widening, surfacing and/or curbing  
28 associated with off-site and/or frontage improvements that may be included in the  
29 required improvements.
- 30 e. The applicant is responsible for all maintenance within easements in accordance with the  
31 Public Improvement and Infrastructure provisions in Section 30.16 of the Subdivision  
32 Regulations.  
33

34  
35 **5.2 Required Approvals**  
36

- 37 a. Final Plan Approval. Final approval of any work conducted under any road or utility  
38 permit shall be given by the Director if a field inspection shows that the work conforms  
39 in all respects with the permit(s) and approval(s).
- 40 b. Private Roads. The County Commissioners shall not accept private roads into the County  
41 highway maintenance system, unless upgraded to public road standards.
- 42 c. Acceptance. Road plans, sub-base depth, and compaction certification are required for  
43 analysis of existing conditions. The Director shall certify final approval to the County  
44 Commissioners. Actual acceptance into the County highway maintenance system for  
45 perpetual maintenance shall be only by order of the County Commissioners.
- 46 d. Partial Acceptance. A permit holder may request approval of a part of the permitted work  
47 in writing to the Director of Public Works & Transportation upon completion of at least  
48 50 percent of the total value of the work authorized under the permit. Upon approval of  
49 the work and, at the request of the applicant, the Department of Public Works &  
50 Transportation shall review and process reductions in surety, if warranted. No bonds,  
51 letters of credit or other acceptable security instruments shall be completely released until

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all work called for by the permit is completed and a Repair and Maintenance Bond is approved and accepted in accordance with **Section 3.6** of this Road Ordinance. Surety shall not be reduced below ten percent (10%) of the original security amount until a Repair and Maintenance Bond has been approved and accepted by the Director.

**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 Land Use & Growth Management 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 or not acting as owner, lessee, principal, agent, or employee of another, 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) failure to obtain approval or permits as required by laws or ordinances;
  - (2) failure to give proper notice of initiation of work;
  - (3) performance of work without authorization;
  - (4) failure to adhere to approved plans;
  - (5) failure to take corrective action after a second notice; or
  - (6) failure to complete work for which a permit was issued prior to expiration of a permit, including any extension thereof.

**6.2 Prosecution of Violations**

- a. The Department of Public Works & Transportation (the "Department") is responsible for the enforcement of this section.
- b. No citation for a municipal infraction shall be issued until the expiration of thirty (30) days after the issuance of a Notice of Violation.
- c. After the expiration of thirty (30) days after the issuance of a Notice of Violation the Department may issue a citation for a municipal infraction. The citation for a municipal infraction shall be prosecuted in the same manner and to the same extent as set forth in Article 23A, §3(b) of the *Annotated Code of Maryland*.
- d. Each day in which any such violation occurs, or in which such person fails to perform the duties required of him or to comply with the provisions of those sections, shall constitute a separate offense.
- e. Each violation of this ordinance shall be a municipal infraction punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

**6.3 Actions to Remedy Violations**

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

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 visible to the public on public or private property for more than 48 hours and either: (a) does  
8 not display valid registration plates, or (b) displays registration plates of another vehicle.  
9

10 **Abutting.** Having all or part of a boundary or lot line 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 21<sup>st</sup> 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 licensed professional authorized by law to prepare and submit plans and plats on  
44 behalf of a developer.

45  
46 **Driveway.** A private access road, drive or lane which is contained within a lot or parcel and is not intended  
47 to serve any other lot or parcel of land.

48  
49 **Excavation.** Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or  
50 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.** Soils with a slope greater than 15 percent (%); or those soils with a K (erosivity)  
21 value greater than 0.35 and on slopes greater than 5 percent (%).

22  
23 **Land Clearing.** Any activity that removes the vegetative ground cover.

24  
25 **Landscape.** Any combination of trees, ground cover, shrubs, vines, flowers or lawn planted in the ground  
26 or in ground level-containers.

27  
28 **Level Of Service (LOS).** A measurement of roadway performance using procedures in the *Highway*  
29 *Capacity Manual*, and as further defined in the Comprehensive Zoning Ordinance.

30  
31 **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by  
32 mechanical power.

33  
34 **Person.** The federal government, the State, a county, municipal corporation, or other political subdivision  
35 of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator,  
36 fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation,  
37 or any of their affiliates, or any other entity.

38  
39 **Property Lines.** The lines bounding an existing or proposed lot, tract or parcel of land.

40  
41 **Public right-of-way.** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is  
42 owned or controlled by a governmental entity.

43  
44 **Public Utility.** Any transmission line or electric generating station; or water, sewer, electric, gas,  
45 telephone, and television or data cable service line.

46  
47 **Public Way.** Any sidewalk, street, alley, highway, or other public thoroughfare.

48  
49 **Sediment Control Permit.** The authorization of an activity regulated under a sediment control plan as  
50 provided in the Environment Article, Title 4, Annotated Code of Maryland.

51  
52 **Sediment.** Soils or other materials transported by wind or surface water as a product of erosion.

53  
54 **SHA.** Maryland State Highway Administration.

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

4  
5 **Stabilization.** The prevention of soil movement by any of various vegetative and/or structural means.

6  
7 **Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting  
8 property, whether designated as a street, avenue, highway, road, boulevard, lane throughway, or otherwise,  
9 but does not include driveways.

10  
11 **Subdivision.** Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats,  
12 sites, or other division of land for the purpose, whether immediate or future, of sale development provided  
13 that this definition of a subdivision shall not include a bona fide division or partition of agricultural land not  
14 for development purposes.

15  
16 **Topography.** The existing configuration of the earth's surface including the relative relief, elevation, and  
17 position of land features.

18  
19 **Transportation Facilities.** Anything that is built, installed, or established to provide a means of transport  
20 from one place to another.

21  
22 **Transportation-Related Terms.**

23  
24 Arterial. An interregional road conveying traffic between growth areas. Efficient movement is the  
25 primary function of arterial roads; hence private access and frontage should be controlled and limited  
26 to high-volume generators of vehicle trips.

27  
28 Cul-de-sac. A dead end street, the primary purpose of which is to provide access to and from  
29 adjacent dwellings to a higher functional type street. Cul-de-sacs do no accommodate through traffic  
30 movement.

31  
32 Local Road. Provides access to places and conducts traffic to a higher functional type street.

33  
34 Major Collector. A principal traffic artery within residential areas that may provide routes to local  
35 facilities, serves as the main entrance to a sizeable development, or a combination of developments.

36  
37 Minor Collector. A street which, in addition to providing access to properties abutting thereon,  
38 carries traffic to an activity center or higher classification street. It may be a loop street or may link  
39 local and/or collector streets.

40  
41 Street Direction. The direction any street or road travels the longest in distance (i.e. north-south or  
42 east-west).

43  
44 **Tree.** A branched woody plant having one or several self-supporting stems or trunks that reaches a height  
45 of at least 20 feet at maturity.

46  
47 **Vehicle.** Every device, including major parts thereof, in, on, or by which any person or property is or may  
48 be transported or drawn on a thoroughfare, except devices used exclusively on stationary rails or tracks.

Subject: To Repeal and Re-Enact and Codify as Chapter 256 of the Code of St. Mary's County, Maryland, the St. Mary's County Road Ordinance

BE IT FURTHER ORDAINED, by the Commissioners of St. Mary's County, Maryland that this Ordinance shall be effective upon the date written below.

Those voting Aye: 5

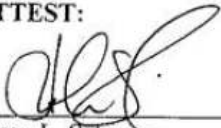
Those voting Nay: 0

Those Abstaining: 0

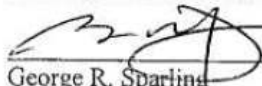
Date of Adoption: 6/26/12

Effective Date: 7/10/12


ATTEST:


  
 Susan L. Sabo  
 Acting County Administrator

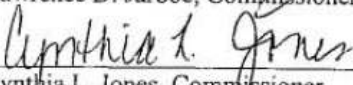
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

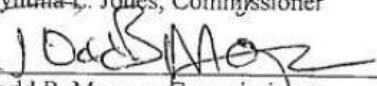
  
 George R. Sparling  
 County Attorney

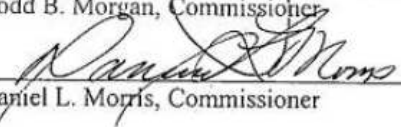
COMMISSIONERS OF ST. MARY'S COUNTY

  
 Francis Jack Russell, President

  
 Lawrence D. Jarboe, Commissioner

  
 Cynthia L. Jones, Commissioner

  
 Todd B. Morgan, Commissioner

  
 Daniel L. Morris, Commissioner