

# Queen Anne's County Code

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## Subtitle 1. General

### Part I. Definitions and General Provisions

#### 23-101. Definitions.

(a) *In general.*

Under Title 23. Roads, the following terms have the meanings indicated.

(b) *County Road.*

"County Road" means a road, street or associated rights-of-ways and easements which is maintained by the Department of Public Works, Roads Division and is a component of the County Roads system.

(c) *County Road System.*

"County Road System" means those roads which are listed by the Department of Public Works, Roads Division as an official County road on the Annual Highway Mileage Report as approved by the Maryland Department of Transportation.

(d) *Department.*

"Department" means the Department of Public Works of Queen Anne's County.

(e) *Department of Planning and Zoning.*

"Department of Planning and Zoning" means the Department of Planning and Zoning of Queen Anne's County.

(f) *Developer.*

"Developer" means any person, contractor or other agent of the person who commences to effect a development involving construction of or upgrading of roads for that person or another person.

(g) *Director.*

"Director" means the Director of Public Works of Queen Anne's County.

(h) *Easement.*

"Easement" means a grant or reservation by the owner of land for the use of such land by others:

- (1) for a specific purpose or purposes, and

(2) which must be included in the conveyance of land affected by such easement.

(i) *Engineer.*

"Engineer" means the Chief Roads Engineer for the Roads Division of the Department.

(j) *Finance Office.*

"Finance office" means the Queen Anne's County Office of Budget and Finance.

(k) *Grading.*

"Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

(l) *Local road.*

"Local Road" means a road or street:

- (1) designed to provide vehicular access to abutting property, and
- (2) designated as such in the transportation element of the Comprehensive Plan.

(m) *Other public road.*

"Other public road" means a road historically utilized by the general public which is not a part of the County, State or Federal road systems.

(n) *Planning Commission.*

"Planning Commission" means the Queen Anne's County Planning Commission.

(o) *Private road.*

"Private road" means an improved road or right-of-way held and/or maintained in private ownership and which is not a component of the County, State or Federal road systems.

(p) *Road.*

"Road" means a public or private way for vehicular traffic including a right-of-way, street, avenue, drive, lane, terrace, boulevard, circle, highway, or other similar term.

(q) *Roads Board.*

"Roads Board" means the Roads Board for Queen Anne's County.

(r) *Roads Design Manual.*

“Roads Design Manual” means the Roads Design and Construction Standards Manual of Queen Anne’s County.

(s) *Roads Division.*

“Roads Division” means the Roads Division of the Department of Public Works of Queen Anne's County.

(t) *Road Plan.*

“Road Plan” means a plan for the construction or improvement of any new or existing road.

(u) *Roadway Structure.*

“Roadway Structure” means the stabilized road base, paving, curb and gutter, storm drains, culverts, inlets, drainage ditches and stormwater management systems.

(v) *SHA.*

“SHA” means the Maryland State Highway Administration.

(w) *Standards.*

“Standards” means:

(1) the Standards as contained in the “Roads Design and Construction Standards Manual of Queen Anne’s County”;

(2) if no County standards exist, then SHA standards.

(x) *Subdivision.*

“Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, plots, parcels, sites, or other divisions of land.

(y) *Surety.*

“Surety” means any form of security including bond, escrow, deposit, collateral, property, or instrument of credit in an amount and form satisfactory to the Department.

(z) *Utilities.*

“Utilities” means all overhead and underground electric, telephone, cable TV, gas or propane lines that service a development.

3-102. Incorporation by reference.

For the purpose of this Title, the following documents are incorporated by reference:

- (a) "The Roads Design and Construction Standards Manual," Queen Anne's County Department of Public Works;
- (b) "Standard Specifications of Construction and Materials," Maryland Department of Transportation, State Highway Administration, 2001 edition.
- (c) "Manual on Uniform Traffic Control Devices," Department of Transportation, Federal Highway Administration, December 2000 edition.

23-103.            **Reserved.**

## Subtitle 2. Regulation of Roads

### Part I. County Roads Board

23-201.            **"Board" defined.**

In this subtitle "Board" means the County Roads Board.

23-202.            **Established.**

There is a County Roads Board.

23-203.            **Membership.**

The Board consists of the members of the Board of County Commissioners.

23-204.            **Meetings; compensation; staff; expenses.**

(a)     *Meetings.*

The Board shall meet as often as the Board considers necessary to perform its duties.

(b)     *Compensation.*

The members of the Board shall receive an annual salary of \$2,500 in addition to their compensation as County Commissioners.

(c)     *Expenses.*

In addition to any other compensation provided, the members, appointees, and employees of the Board shall receive travel and other actual expenses that are incurred in the course of their employment and are considered necessary by the Board.

205.                   **Employees.**

(a)     *In general.*

The County Commissioners of Queen Anne's County shall employ the personnel that the Board considers necessary to carry out this subtitle.

(b)     *Compensation.*

The County Commissioners of Queen Anne's County shall fix the amount of compensation for the personnel and the manner of paying the compensation.

23-206.               **Regulations and orders.**

(a)     *In general.*

The Board may adopt and enforce:

- (1)     regulations and orders that the Board considers necessary for the preservation of County roads, including regulations governing the use of County roads by traction engines, wagons, sleds, and other vehicles or conveyances that produce more than the ordinary amount of wear and tear on the County roads; and
- (2)     regulations governing the use of sanitary landfills and rubble landfills, including access roads.

(b)     *Procedure for adoption.*

When a regulation or order is promulgated or altered, the Board shall publish the regulation or order once a week for two successive weeks in a newspaper of general circulation in the County.

23-207.               **Powers of Board.**

(a)     *Marking roads.*

The Board may mark for direction and distance all County roads under its supervision.

(b)     *Signs and signals.*

The Board may erect and maintain along the rights-of-way of the County roads the necessary signs, signals, and markers:

- (1)     to direct the traveling public;
- (2)     to warn the traveling public of danger; and

(3) for any other purpose that the Board considers necessary.

(c) *Bridges -- Weight and speed regulation.*

(1) The Board may regulate the weight and rate of speed of wagons, trucks, road engines, road rollers, traction engines, threshing machines, and other vehicles of any kind passing over any bridge or culvert in the County road system in accordance with this subsection.

(2) The Board may regulate the weight and speed by conspicuously posting and maintaining signs at both ends of or the entrance to the bridge or culvert.

(3) Posting of a sign under this subsection shall mean that a vehicle subject to this subsection that weighs, with or without any load, more than the number of pounds specified on the sign may not pass or be drawn, driven, propelled, or in any other manner taken over the bridge or culvert at a greater rate of speed than specified on the sign.

(d) *Miscellaneous powers.*

Notwithstanding anything to the contrary in this title or any other law, the Board may:

(1) adopt regulations necessary to carry out this title;

(2) make contracts;

(3) negotiate with employees;

(4) purchase, lease, rent, and use all necessary buildings, land, and equipment; and

(5) under advice from the Department, adopt a Design and Construction Standards Manual.

**23-208. Powers of Board - Roads.**

(a) *In general.*

With respect to roads under the Board's jurisdiction, the Board may:

(1) regulate the standing and parking of vehicles;

(2) regulate traffic by means of peace officers or traffic control devices;

(3) regulate or prohibit processions or assemblages on County roads;

(4) designate particular County roads as one-way roads and require that all vehicles on the roads move in one direction;

(5) designate any intersection as a stop intersection and require that all vehicles stop at one or more entrances to the intersection; and

(6) place and maintain traffic control devices to regulate, warn, or guide traffic as the Board considers necessary to carry out local traffic ordinances and Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland.

(b) *Traffic control devices.*

All traffic control devices erected under this title shall conform to the Manual on Uniform Traffic Control Devices, December 2000 edition.

**23-209. County Commissioners - Records.**

(a) *Records -- Closing of public roads.*

The County Commissioners shall copy and record in a well-bound book, provided by them for the purpose, all papers and proceedings in their office relating to the closing of public roads and public landings in the County.

(b) *Maintenance of records.*

The Executive Assistant employed by the County Commissioners shall continuously maintain the records required in subsection (a) of this section.

**23-210. Reserved.**

**23-211. Reserved.**

**Part II. Permits**

**23-212. Permit for work affecting County road.**

(a) *Required.*

A person shall obtain a permit from the Department of Public Works, Roads Division before the person may:

- (1) make an opening to construct a driveway or entrance for the purpose of taking access to any lot or parcel from a County road or within a County road right-of-way;
- (2) place a structure on a County road or within a County road right-of-way;

(3) dig, excavate, trench, bore or directional drill in or under a County road or a County road right-of-way to lay or place pipes, sewers, poles, wires, or railways or for any other purpose;

(4) plant or remove a tree on a County road or County road right-of-way; or

(5) place an obstruction on a County road or County road right-of-way.

(b) *Bond.*

Before issuing a permit, the Department may require an applicant to file a bond in an amount that the Board considers sufficient to insure the satisfactory completion of the work.

(c) *Fees.*

The Board shall, by resolution, adopt a fee schedule establishing fees for the issuance of permits described in subsection (a) as necessary to cover administrative, construction or other expenditures incurred by the Department in conjunction with issuance of permits identified herein.

(d) *Performance standards.*

All work done under a permit shall be done:

(1) in accordance with the regulations and design and construction standards of the Board; and

(2) under the supervision of the Department of Public Works, Roads Division.

(e) *Expense of repairing a County road.*

Any permit holder or person who does the work shall bear the expense of repairing and restoring the County road to as good a condition as before the work was begun.

## 23-213. Permit for overweight or oversize vehicle.

(a) *Permit required.*

A person shall obtain a permit from the Department before the person moves a motor vehicle over a County road if the vehicle is oversize or overweight under Title 24, Subtitle 1 of the Transportation Article of the Annotated Code of Maryland.

(b) *Contents of permit.*

The permit shall specify:

(1) the route to be followed;

(2) the hour and date of the movement; and

- (3) the maximum size and weight of the vehicle.

23-214. **Reserved.**

23-215. **Reserved.**

### Part III. Levy for County Roads

23-216. **Levy.**

When making their annual levy, the County Commissioners may levy an amount that they consider necessary for the:

- (1) building, repairing, reconstructing, maintenance, and regulation of the use of roads, bridges, drains, watercourses, culverts, and curbs and gutters in the County;
- (2) purchase and maintenance of equipment to be used for the purposes stated in paragraph (1) of this section; and
- (3) purchase or rental of land or buildings to be used for the purposes stated in paragraph (1) of this section.

23-217. **Designation of money.**

- (a) *Designation.*

The money levied under this part shall be designated for construction, reconstruction, and maintenance of County roads, bridges, drains, watercourses, culverts, curbs and gutters, and purchasing and renting of equipment, land, and buildings in connection therewith.

- (b) *Specific purposes.*

The County Commissioners may not earmark for a specific purpose any of the money levied under this part unless acting in their capacity as the Board.

23-218. **Special fund.**

The finance office shall deposit money levied under this part in a special fund for the purposes stated in §23-216 of this part and shall pay money out of the fund at the request of the Board.

23-219. **Surplus.**

Any unexpended surplus remaining in the special fund at the end of a year may be carried over and used by the Board in future years to carry out the purposes of this title.

**23-220. Title to property.**

The County Commissioners shall have title to any land, buildings, or equipment purchased by the County Commissioners or the Board in accordance with §23-216 of this part.

**23-221. Reserved.**

**23-222. Reserved.**

**Part IV. Special Assessments**

**23-223. Special assessment for road work.**

**(a) *Cost of project.***

In this section "cost of a project" may include:

- (1) the direct cost of a project;
- (2) the cost of any land acquired for a project;
- (3) the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of a special assessment;
- (4) a reasonable charge for the services of the administrative staff of the County; and
- (5) any other item of cost which may reasonably be attributed to the project.

**(b) *Assessments for special benefits.***

(1) The County Commissioners may levy and collect taxes in the form of a special assessment on property in a limited and determinable area for special benefits conferred on the property from the construction and paving of public ways, roads, and sidewalks.

(2) The County Commissioners may provide for the payment of all or part of the cost of a project out of the proceeds of the special assessment.

**23-224. Special assessment for road work – Procedures.**

**(a) *Cost.***

The cost of the project for which a charge is made shall be assessed according to the front foot rule of apportionment or according to another equitable basis determined by the County Commissioners.

(b) *Assessment limit.*

The amount assessed against any property or any project of improvement may not exceed the value of the benefits accruing to the property.

(c) *Classes of property; rates.*

(1) Affected property may be divided into different classes and affected property in different classes may be charged different rates.

(2) Affected property in the same class shall be charged the same rate.

(d) *Method of levy.*

All special assessment charges shall be levied by the County Commissioners by resolution.

(e) *Public hearing.*

(1) Before levying a special assessment charge, the County Commissioners shall hold a public hearing.

(2) The hearing shall be held at least 10 days and not more than 30 days after the Executive Assistant completes publication and service of notice under subsection (f) of this section.

(3) After the hearing, the County Commissioners may vote to proceed with the project and may levy the special assessment.

(f) *Notice.*

(1) The Executive Assistant to the County Commissioners shall give notice of the:

(i) nature and extent of the proposed project;

(ii) kinds of materials to be used;

(iii) estimated cost of the project;

(iv) portion of the cost to be assessed;

(v) number of installments in which the assessment may be paid;

(vi) method to be used in apportioning the cost;

(vii) limits of the proposed area of assessment; and

(viii) time and place at which an interested person or that person's agent or attorney may appear before the County Commissioners and be heard concerning the proposed project and special assessment.

(2) Notice shall be given by registered mail to the owner of record of each parcel of property to be assessed, which notice shall be sufficient if sent to the person in whose name the property is assessed for taxation.

(3) Notice shall be published at least once in a newspaper of general circulation in the County.

(4) The Executive Assistant shall present at the hearing a certificate of publication and a certification of mailing of copies of the notice. The certificates shall be considered proof of notice.

(5) Failure of an owner to receive the mailed copy does not invalidate the proceedings.

(g) *Appeal.*

Any interested person feeling aggrieved by the levying of a special assessment under this part may appeal to the Circuit Court of Queen Anne's County within 30 days after the County Commissioners levy the assessment.

(h) *Payments.*

(1) Special assessments may be made payable in annual or more frequent installments over a period of time not to exceed 30 years and in a manner determined by the County Commissioners.

(2) The County Commissioners shall determine when the installments are due and payable.

(3) Interest may be charged on installments at a rate to be determined by the County Commissioners.

(i) *Overdue assessments.*

(1) A special assessment installment shall be overdue six months after the date on which it becomes due and payable.

(2) A special assessment is a lien on the property. All overdue special assessments shall be collected in the same manner as County taxes or by suit at law.

(j) *Public record.*

(1) For the purpose of giving notice to the public of existing liens and charges against any property for benefit assessments, the finance office shall keep a public record of the names of property owners that have benefit charges assessed and the amount of the charges.

(2) The record of benefit assessments shall be legal notice of such liens.

(k) *Billing and collection.*

The finance office shall bill and collect all special assessments.

23-225. Reserved.

23-226. Reserved.

### Part V. Prohibited Acts; Penalties

23-227. Removing or damaging signs.

(a) *Prohibited.*

A person may not remove, damage, or deface a sign, signal, or marker erected by the Board.

23-228. Exceeding weight or speed limit on bridge or culvert.

(a) *Prohibited.*

Unless a person has a permit in writing from the Department, a person may not draw, drive, propel, or in any other manner take or cause to be taken, drawn, driven, or propelled over a bridge or culvert a wagon, truck, ad engine, road roller, traction engine, threshing machine, or other vehicle of any kind:

(1) that weighs, with or without a load, more than the number of pounds specified on the sign erected at the entrances or approaches of the bridge or culvert; or

(2) at a rate of speed greater than the rate specified on the sign.

(b) *Liability for damages.*

In addition to any civil or other penalty under this title, the owner or person in control of the vehicle is liable to the Board for all damages caused by the violation.

(c) *Evidence.*

At the trial of a person charged with violating this section, oral proof of the existence of a sign and its contents is prima facie evidence of the sign's existence and contents.

23-229. Change or encroachment.

(a) *Prohibited.*

A person may not:

- (1) alter, change, obstruct, or encroach on any road in the County; or
- (2) cut down, destroy, or injure any bridge, causeway, boundary, mark, or direction on a road in the County.

### Subtitle 3. Design and Construction Standards

#### Part I. Road Construction Plans

#### 23-301. Review and approval of Road Construction plans.

(a) *In general.*

For any proposed development, the developer shall submit a road plan to the Department for review and approval.

(1) The road plan shall be prepared and designed in accordance with the Roads Design Manual as adopted by the Board.

(2) The Department shall review the plan to determine compliance with the requirements of this subtitle and the Roads Design Manual prior to approval.

(3) The plan shall serve as the basis for all subsequent construction.

(b) *Approval.*

Notification of approval or reasons for disapproval or modification shall be given to the applicant after submission of the roads plan.

(1) For County reviews, the time frame will be in accordance with the development review schedule in effect at the time of the submittal, and for municipal reviews; within 30 days of the submittal to the Department.

(2) If a decision is not made in a timely manner, the applicant shall be informed of the status of the review process and the anticipated completion date.

(3) The road plan shall not be considered approved without the inclusion of the signature and date of signature of the Department on the plan.

#### 23-302. Contents of the Road Construction Plan.

(a) *In general.*

The developer is responsible for submitting a road plan that meets the design requirements of this subtitle and the Roads Design Manual.

(1) The developer shall certify on the drawings that all clearing, grading, drainage,

construction, and development shall be conducted in strict accordance with the road plan.

(2) If a road plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or necessary property interests concerning discharge of stormwater.

(3) Approval of a road plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

(b) *Support information.*

The minimum information submitted for support of a road plan shall be in a bound report and contain:

(1) Signature and seal as outlined in §23-303(a) of this title, Preparation of the Road Construction Plan;

(2) A narrative description of the project;

(3) Geotechnical investigations, including soil maps, borings, site specific recommendations, and any additional information necessary for the proposed road design;

(4) Descriptions of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;

(5) Hydrologic computations, including drainage area maps depicting pre-development and post-development runoff flow path segmentation and land use;

(6) Hydraulic computations;

(7) Structural computations;

(8) A construction sequencing schedule including utility installation;

(9) An engineer's estimate of the cost of construction; and

(10) Any additional information required by the Department.

(c) *Construction drawings.*

Construction drawings submitted for road plan approval shall be in conformance with the Roads Design Manual and at a minimum include the following:

(1) A title sheet with vicinity map, name and section of subdivision, name and address of owner, engineer certification and Department approval block.

(2) Sufficient topography showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management and drainage outfall

facilities, including benchmark information based on NADD 88 vertical datum;

- (3) Any proposed improvements, including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
- (4) The location of existing structures and utilities and specifications pertaining to their relocation or removal as required;
- (5) Any easements and rights-of-way;
- (6) The delineation, if applicable, of the one-hundred-year floodplain, on-site wetlands, and the critical area boundary;
- (7) Structural and construction details for the roadway, proposed drainage system or systems, and stormwater management facilities;
- (8) All necessary construction specifications;
- (9) A sequence of construction;
- (10) Construction stake-out information including two horizontal control points per sheet and centerline coordinates based on NAD 83-91 coordinate system;
- (11) A table of materials to be used for stormwater management facility planting;
- (12) All soil boring logs and locations;
- (13) A construction maintenance schedule;
- (14) Certification by the owner/developer that all construction will be done according to this plan;
- (15) An as-built certification signature block to be executed by the owner/developer after project completion; and
- (16) Any additional information required by the Department.

### **23-303. Preparation of the Road Construction Plan.**

(a) *Requirements.*

The design of road construction plans shall be prepared and sealed by either a professional engineer or professional land surveyor licensed in the State as necessary to protect the public and the environment.

(b) *Right-of-Way Deed.*

(1) The developer shall prepare, and execute a right-of-way deed granting the County the right-of-way for the proposed County road in fee simple and submit the same for County approval.

Preparation of the deed shall be completed by an attorney authorized to practice law in the State Maryland.

(2) *Content.*

The deed shall include all easements and shall refer to the subdivision record plat as recorded in the land records of the County.

(3) *Format.*

The format of the deed shall be consistent with the sample deed format in the Roads Design Manual and acceptable in form to the County Attorney.

23-304. Reserved.

23-305. Reserved.

## Part II. Permits

23-306. Permit.

(a) *Permit Requirements.*

Approval of a road construction plan is required. A grading or building permit may not be issued for any parcel or lot unless the road construction plan and supporting materials have been approved by the Department as meeting all the requirements of this subtitle and is in conformance with the Roads Design Manual.

(b) *Other requirements.*

A grading permit for new road construction may not be issued without:

- (1) all revisions to the road construction plan being made and duly noted;
- (2) an approved surety for the construction;
- (3) a paid inspection fee;
- (4) preparation and execution of a right-of-way deed granting the County the road right-of-way in fee simple;
- (5) documented permission from adjacent property owners as necessary;
- (6) submission and approval of the construction sequence schedule;
- (7) issuance of all utility permits to each respective utility company;

(8) issuance of any other permits from all County, State and Federal agencies necessary - any phase of construction to the developer; and

(9) holding a pre-construction meeting between the developer, the Department, any State and Federal agencies affected by the project, and a representative from each utility company that will be providing services to the development.

(c) *Form of permit.*

The construction permit shall be in the form of a signed road construction plan.

### **23-307. Permit suspension and revocation.**

Any grading or building permit issued by the Department may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- (1) Any violation(s) of the conditions of the road construction plan approval.
- (2) Changes in site characteristics upon which an approval was granted.
- (3) Construction is not in accordance with the approved plan.

**23-308. Reserved.**

**23-309. Reserved.**

## **Part III. Fees and Security.**

**23-310. Fees.**

(a) *Plan review.*

The County Commissioners shall, by resolution, adopt a fee schedule establishing fees for review of road construction plans.

(b) *Inspection Fees.*

The County Commissioners shall, by resolution, adopt a fee schedule establishing fees for inspection of road construction projects.

**23-311. Security.**

(a) *Security requirements from developer.*

The Department shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to and approved by the Department prior to the issuance of any

building and/or grading permit for a road construction or road improvement project.

(1) The amount of the security shall be 125% of the approved engineer's estimated cost of the construction.

(2) The security required in this section shall include:

(i) A provision relative to forfeiture for failure to complete work specified in the approved road construction plan;

(ii) Compliance with all of the provisions of this subtitle, the Roads Design Manual and other applicable laws and regulations; and

(iii) Any time limitations.

(b) *Release of the security.*

(1) The security shall not be fully released without:

(i) A final inspection of the completed work by the Department,

(ii) Submission of "as-built" plans, and

(iii) Certification of completion by the Department that the roadway and roadway systems comply with the approved road plan and the provisions of this subtitle.

(2) The Department may adopt procedures for reduction or partial release of the security held by the Department following completion and acceptance of part or all of the project.

(3) The procedures used for partially releasing securities must be specified by the Department in writing prior to road plan approval.

(c) *Retainage.*

(1) Retainage in the amount of 5% of the original security shall be held by the Department and kept in force for one year after the acceptance of the road into the County system.

## **23-312. When security becomes insufficient or unsatisfactory.**

(a) *Notice.*

Whenever the County determines that the security provided is insufficient or unsatisfactory, the County shall notify the permit holder.

(b) *New security.*

- (1) Within ten (10) days after the notice, the permit holder shall deliver to the County a security that:
- (i) meets the requirements of this subtitle; and
  - (ii) is satisfactory to the County.

**23-313. Reserved.**

**23-314. Reserved.**

#### **Part IV. Construction Methods.**

**23-315. Construction Requirements.**

(a) *In general.*

A developer shall perform all aspects of road construction required by this subtitle and in accordance with the Roads Design Manual.

(b) *Installation of Utilities.*

The developer shall install all applicable utilities including electric, telephone, cable TV and central air conditioning lines so as to minimize conflicts with the roadway structure and public water and sewer lines and shall:

- (1) Apply for and follow all conditions enumerated in the utilities permit as issued by the Department.
- (2) Install all components of utilities including trunk lines, mains and service connections in conjunction with the appropriate phase of roadway construction so as to minimize any conflicts;
- (3) Install the utilities in a designated utility easement as shown on the road plan;
- (4) Coordinate the installation of utilities with the Department; and
- (5) Comply with all other local, state, or federal requirements respecting the installation and provision of utilities.

**23-316. Improvements to Existing County Roads.**

The Department may require a developer to improve or upgrade an existing County Road when a development occurs to ensure that:

- (1) consistent planning, design and construction standards are met;
- (2) the road is suitable for the nature of the traffic proposed by the development; and

- (3) all public safety concerns are addressed.

The nature of the improvements or upgrades may include but are not limited to resurfacing, installation of traffic control devices or lighting, intersection realignments, right-of-way dedication, road widening, sidewalks or pedestrian paths, entrance or access improvements and drainage improvements.

23-317. Reserved.

23-318. Reserved.

23-319. Reserved.

## Part V. Inspection.

23-320. Inspection Requirements

- (a) *In general.*

At a minimum, regular inspections shall be made and documented at the following specified stages of construction:

- (1) pre-construction inspection; prior to initiation of any grading activity
- (2) perimeter drainage inspection
- (3) upon completion of excavation to subgrade prior to placement of the stabilized base;
- (4) during placement of stabilized base structural fill, concrete and installation of culvert pipes and storm drain inlets.
- (5) prior to and during installation of all utilities;
- (6) during backfill of foundations, public water and sewer lines and utility trenches;
- (7) during paving or surface treatment operations;
- (8) upon completion of final grading and establishment of permanent stabilization;
- (9) final inspection.

- (b) *Notice.*

The developer or the contractor shall notify the Roads Division 48 hours before needing an inspection.

- (c) *Material Certifications.*

The Department may collect material samples for testing prior to use and during construction as determined by the Engineer. The developer shall reimburse the Department for all reasonable expenses for material testing.

(d) *Actions for violations.*

The Department may, for enforcement purposes, use any one or a combination of the following actions;

(1) a notice of violation;

(2) a stop-work order;

(3) bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; and

(4) in addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of this subtitle.

(e) *Enforcement.*

Any step in the enforcement process may be taken at any time, depending on the severity of the violation.

(f) *As-built plan certification.*

Once construction is complete, as-built plan certification shall be submitted by either a professional engineer or professional land surveyor licensed in the State to ensure that all construction is in compliance with the specifications contained in the approved plans.

(1) At a minimum, as-built certification shall include a set of drawings comparing the approved road construction plan with what was constructed.

(2) The Department may require additional information.

23-321. Reserved.

23-322. Reserved.

## Part VI. Access Management.

23-323. Access Management.

(a) In general.

Access management is the process that provides or manages access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity needs and speed.

- (1) Access points fronting on local roads serving more than one single family unit shall :
- (a) minimized to the extent possible;
  - (b) designed to be coincident with existing access points on opposing sides of the road when practical.

(2) Access points for uses fronting on minor collector streets that have at least 100 feet of frontage may have a single access per 100 feet of frontage. Uses having less than 100 feet of frontage shall, if feasible, have a system of shared access points with linked parking areas for internal circulation.

(3) Access points for uses fronting on major collector streets shall take access at points at least 200 feet apart wherever possible and if feasible as close to 400 or more feet apart.

(4) Access points for uses fronting on arterial roads shall take access at points at least 400 feet apart. Parallel access roads shall be used to increase the distance between access points to 1,000 feet wherever possible.

(b) *Conformity with access management plans.*

Access points and intersections shall be in conformance with all corridor, access management and transportation plans as adopted by the Roads Board from time to time.

**23-324. Reserved.**

**23-325. Reserved.**

## Subtitle 4. Road Names and Addresses

### Part I. General Provisions

**23-401. Scope of Subtitle.**

(a) *Within territorial limits of County.*

This subtitle applies to all land, property, and buildings and other structures within the territorial limits of the County, including the incorporated territory of any municipality in the County, unless the governing body of the municipality has passed appropriate resolutions or ordinances on road names and address numbers.

(b) *Coordination between County and municipalities.*

As it relates to the implementation of this subtitle, the County and the municipalities shall coordinate:

- (1) the issuance of subdivision and building permit approvals;

- (2) approval of new road or street names; and
- (3) collection, distribution, and use of fees from the municipalities for the administration of this subtitle.

23-402. Reserved.

23-403. Reserved.

## Part II. Road Names and Address Numbers

23-404. Road Naming and Addressing Manual; maps.

(a) *Road Naming and Addressing Manual.*

(1) The Department of Planning and Zoning shall maintain a Road Naming and Addressing Manual that describes the criteria, procedures, and methods used to name roads and to assign address numbers to properties in the County.

(2) The Manual shall include the development of a system from which the address numbers will be derived.

(b) *Maps.*

The Department of Planning and Zoning shall keep a set of maps of the County that displays the address system and the names and route numbers of roads.

23-405. Official Road Name List.

(a) *Approval.*

The County Commissioners shall approve by resolution an Official Road Name List for the County.

(b) *Contents.*

For each road, the Official Road Name List shall include the following minimum information:

- (1) the road type, including but not limited to County (C), Maryland (MD), Other Public (OP), Private (PV), Municipal (MU), and Federal (US) designation;
- (2) the road name;
- (3) the route number; and
- (4) the designated prevailing direction of the road.

(c) *Guidelines.*

(1) The Department of Planning and Zoning shall develop guidelines that define which roads are to be:

- (i) included on the Official Road Name List; and
- (ii) used for the assigning of new address numbers.

(2) The Department of Planning and Zoning shall incorporate the guidelines into the Road Naming and Addressing Manual.

(d) *Public hearing.*

At least 7 days but not more than 30 days before adoption of the Official Road Name List, the County Commissioners shall hold a public hearing and give the public an opportunity to comment on the proposed road names.

(e) *Amendment.*

(1) The County Commissioners may amend the Official Road Name List to change the name of a road or delete a listed road.

(2) The County Commissioners may hold a public hearing on the proposed changes before adoption if the County Commissioners consider it necessary to receive public comment on the proposed amendments.

(f) *Incorporation of new road.*

(1) The Department of Planning and Zoning shall incorporate into the Official Road Name List any new road opened, platted, or created if the road meets the criteria contained in the Road Naming and Addressing Manual.

(2) The Department of Planning and Zoning may approve or disapprove the name of any new road to prevent duplicate, similar sounding, or confusing road names.

(3) A public hearing is not required for the naming of new roads, unless the Department of Planning and Zoning considers it necessary.

(g) *New road -- Cost of signs.*

(1) For any new road opened, platted, or created, the subdivider or developer shall reimburse the Department of Public Works, Roads Division for all costs to install road signs.

(2) For any new private road, the subdivider or developer shall submit to the Department of Planning and Zoning a binding agreement indicating the party who shall be responsible for:

- (i) maintaining the road signs; or
  - (ii) reimbursing the Department of Public Works, Roads Division for any required sign maintenance or replacements.
- (3) The Department of Planning and Zoning must approve any agreement under this subsection.

**23-406. Address numbers.**

(a) *Required.*

All property in the unincorporated and incorporated areas of the County containing a home, business, or other primary use or structure shall have an address number assigned in accordance with the criteria and procedures specified in the Road Naming and Addressing Manual.

(b) *Subdivision plats.*

(1) Any subdivision plat submitted for review and approval shall include an address number for each lot.

(2) Address numbers shall be assigned:

(i) in accordance with the criteria and procedures specified in the Road Naming and Addressing Manual; and

(ii) based on the proposed location of the driveway or entrance to the property.

(3) The Planning Commission may disapprove any subdivision plat that does not include properly assigned address numbers.

(c) *Assignment of address number before issuance of building permit.*

(1) The Department of Planning and Zoning shall assign an address number to a property before the issuance of a building permit.

(2) The Department of Planning and Zoning shall assign the address number and notify the applicant within ten business days after receiving the application for a building permit.

(d) *Utility company -- Notice of application for new electric service.*

The utility company supplying the electricity in the service area in which a building to be numbered is located shall notify the Department of Planning and Zoning by mail within ten days of receipt of an application for installation of a new electric service, using the form prescribed by the Department of Planning and Zoning.

**23-407. Notification; use and display of address numbers.**

(a) *Notification.*

(1) Following the initial assignment of new addresses, the Department of Planning and Zoning shall notify the owner of the property of the new address by U.S. mail, first class postage prepaid.

(2) The Department of Planning and Zoning shall use the name and address of the property owner from the records of the Maryland Department of Assessments and Taxation.

(3) The owner of any property who receives notification of a new address number shall inform all tenants or occupants of the new address.

(b) *Use of address number.*

The owner, tenant, or occupant of the property shall use only the address number assigned under this subtitle as the street or location address of the property.

(c) *Display of address number.*

(1) The owner of improved property shall place on the property, in a location visible from the road on which the address number is assigned, figures at least three inches high showing the address number of the house or building.

(2) The owner may satisfy the requirement of paragraph (1) of this subsection by placing the numbers on a mailbox or sign only if the home or building is clearly identifiable in relation to the mailbox or sign.

(3) The owner of the property shall display all address numbers in accordance with guidelines prepared by the Department of Planning and Zoning who may revise the guidelines.

(4) New dwellings shall comply with the guidelines for the display of address numbers before the issuance of a final certificate of occupancy.

23-408. Reserved.

23-409. Reserved.

## Subtitle 5. Civil Infractions

### Part I. Enforcement, Violation, and Penalties

23-501. Enforcement.

(a) *Designation.*

The County Commissioners shall designate one or more persons or officials to enforce this title.

(b) *Interference prohibited.*

A person may not interfere with the designee of the County Commissioners in the performance of the designee's duties.

**23-502. Violation; penalty.**

(a) *Civil infraction.*

A violation of any provision of this subtitle is a civil infraction.

(b) *Penalty.*

(1) A person found to have committed a civil infraction by violating any provision of this subtitle is subject to a fine not exceeding \$500.

(2) The person receiving a citation shall correct the violation.

(c) *Each day a separate offense.*

Each day during which the violation continues is a separate offense.

(d) *Other persons.*

The owner, tenant, or occupant of any property, building, structure, premise, or part of any building, structure, or premise and any architect, builder, contractor, engineer, agent, or any other person who causes, commits, participates in, assists in, or maintains a violation of this title is guilty of a separate offense and is subject to the penalties under this title.

**23-503. Citations; payment of fine or election to stand trial.**

(a) *Form of citation.*

Citations shall be in the form designated by the District Court of Maryland.

(b) *Payment of fine.*

(1) A person who receives a citation shall pay the fine within 20 calendar days after receipt of the citation.

(2) The District Court shall remit all penalties, fines, and forfeitures collected by the Court for violations of this subtitle to the agency designated by the County Commissioners.

(c) *Election to stand trial.*

A person receiving a citation for a civil infraction may elect to stand trial for the offense by notifying the designee of the County Commissioners of the person's intent to stand trial at least five days before the date of payment set forth in the citation.

(d) *Notice to District Court; scheduling trial.*

(1) On receipt of the notice to stand trial, the County shall forward to the District Court of Maryland for Queen Anne's County a copy of the citation and the notice of intent to stand trial.

(2) On receipt of the copy of the citation and the notice to stand trial, the District Court shall schedule the case for trial and notify the defendant of the trial date.

**23-504. Proceedings before District Court.**

(a) *Manner of prosecution.*

In any proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as a civil infraction under Article 25B, § 13(c) of the Annotated Code of Maryland.

(b) *Cost of proceedings.*

If a person is found by the District Court to have committed a violation of this subtitle, the person is liable for the costs of the proceedings in the District Court.

**23-505. Failure to pay fine or file notice of intention to stand trial.**

(a) *Formal notice.*

If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation, and fails to file a notice of intention to stand trial, the Commissioners shall send formal notice of the violation to the person's last known address.

(b) *Additional fine.*

If the person does not satisfy the citation within 15 days after the date of formal notice, the person is liable for an additional fine not exceeding twice the original fine.

(c) *Adjudication through District Court.*

(1) If the person does not satisfy the citation within 35 days after the date of formal notice, the County may request adjudication of the case through the District Court.

(2) The District Court shall schedule the case for trial and summon the defendant to appear.

**23-506. Civil action for declaratory judgment or injunction.**

(a) *Instead of or in addition to citation.*

Instead of or in addition to citing a violator for a civil infraction, the County may enforce this title by civil action for declaratory judgment or injunction.

(b) *Legal fees and costs.*

In the case of a successful action for declaratory judgment or an injunction, legal fees and costs may be awarded to the County.

23-507. Reserved.

23-508. Reserved.