

CHAPTER 1-15: ROADS AND BRIDGES

Editor's note:

Ord. No. 97-01-179, adopted Jan. 21, 1997, repealed and re-enacted Chapter 1-15

ARTICLE I: COUNTY ROADS AND RIGHTS-OF-WAY

Section

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§ 1-15-1. ACCEPTANCE OF ROADS BY BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners shall accept into the county road system, roads which are constructed in compliance with the county's subdivision regulations and other applicable laws, ordinances, and regulations upon favorable recommendation of the Director of the Department of Public Works. Acceptance of a road by the county includes the roadway and appurtenances such as drainage facilities, curbs and approved traffic-control devices, but does not include acceptance of sidewalks, driveways, or other items which may be located within

the right-of-way.

(Ord. 97-01-179, 1-21-1997)

§ 1-15-2. CONSTRUCTION IN OR OBSTRUCTION OF ROAD RIGHTS-OF-WAY.

(A) Except in accordance with a permit issued by the Department of Public Works, no person shall:

(1) Construct, grade, fill, scrape, surface, tear up, dig into or under or engage in any road work of any nature or description in or on any county road or right-of-way, or place or erect therein or thereon any obstruction whatsoever; or

(2) Construct, build, or repair any entrance or exit from any property to any road owned, maintained, or dedicated to public use and accepted by the Board of County Commissioners where the property is located in the county or in whole or in part within the boundaries of a city or town or other municipality and is served by the county road.

(B) It shall be unlawful for any person to erect or place any structure, fence, post or other movable or permanent object of any kind whatsoever in or on, or obstruct in any other manner, any county road, highway or right-of-way. This section shall not be deemed to prohibit the erection and maintenance within public rights-of-way of mailboxes, temporary fences, name and farm signs adjacent to properties, as long as these objects do not obstruct the traveled portions or shoulders of roads, drainage ditches, adversely affect vehicular movement or traffic safety, and other maintained easements (signs may be prohibited under zoning or other ordinances).

(C) The provisions of this section shall not apply to, and no permit provided for herein shall be required of vehicles of fire or rescue departments, first-aid services or public utilities whenever these vehicles are engaged in emergency services, and shall not be deemed to prohibit lawful parking, loading or unloading, or emergency repair of a vehicle, or parking while awaiting emergency repair or towing service for a vehicle.

(Ord. 97-01-179, 1-21-1997)

§ 1-15-3. PERMITS FOR CONSTRUCTION WITHIN ROAD RIGHTS-OF-WAY.

(A) The Director of the Frederick County Department of Public Works is hereby authorized to issue the following permits

in accordance with the applicable ordinances and regulations governing the same:

(1) Permits for the grading and construction of roads and sidewalks; and

(2) Permits to tear up, dig into or under, and temporarily obstruct a public highway or right-of-way, whenever the Director shall find that such activity is necessary in order to install, repair, locate or replace underground utilities, pipes or lines, or for similar purposes; and

(3) Driveway entrance permits where vehicular driveway entrance or entrances to off-street parking areas and/or sidewalks are required by the subdivision, zoning or other regulations of the county after:

(a) Plans for such installations to be constructed in the county right-of-way have been approved by the Department of Public Works; and

(b) The Director of the Department of Public Works has set the amount of the guarantee to ensure the installation of such improvements in accordance with county standards; and

(c) The owner/agent has guaranteed payment of the driveway entrance improvements by irrevocable letter of credit or escrow agreement in the name of and approved by the Board of County Commissioners; and

(d) The appropriate application fee per driveway entrance has been received; and

(4) Such other permits as he may be authorized to issue by law or ordinance or regulations duly adopted.

(B) No person who is in receipt of such permit from the Director of Public Works shall leave unprotected any ditch, excavation, hole or other obstruction brought about by work being done in furtherance of the privilege granted him by permit, but shall provide adequate safeguards at all times, including lighting when necessary.

(Ord. 97-01-179, 1-21-1997)

§ 1-15-4. OWNERS TO REPAIR SIDEWALKS AND DRIVEWAYS.

After a sidewalk has been improved or constructed within the road right-of-way, either alone or in combination with a driveway entrance, the owner of land abutting the street area in which the

sidewalk has been constructed shall be responsible for maintaining such sidewalk and driveway entrance in good repair, including snow removal. The owner of land abutting the street area in which the sidewalk has been constructed shall also be responsible for maintaining the space between the sidewalks and the curbs of the roadway or edge of road pavement and between the sidewalk and property line. After a driveway has been constructed, it shall be deemed a part of the sidewalk whether or not there is a sidewalk improvement extending along the balance of the frontage of the property for the purposes of repair. Requirements relating to the construction or reconstruction of the sidewalk as provided in this chapter shall be applicable to reconstruction of a driveway.

(Ord. 97-01-179, 1-21-1997)

§ 1-15-5. NOTICE TO PROPERTY OWNER.

Should it be brought to the attention of the Director of the Department of Public Works that a sidewalk or driveway apron is in such a condition so as to cause a hazard to public safety or damage to the abutting roadway, the Director, or his designee, will notify, in writing, the owner (as shown in the records of the Department of Assessments and Taxation) of the property abutting the street area in which the sidewalk or driveway entrance has been constructed of the need to repair the sidewalk or driveway apron. Such notice shall be mailed by ordinary mail and registered mail, return receipt requested. The property owner shall make the repairs within the time specified in the notice from the Director of the Department of Public Works.

(Ord. 97-01-179, 1-21-1997)

§ 1-15-6. ERECTION OF TRAFFIC-CONTROL DEVICES AND TEMPORARY SIGNS.

(A) (1) The Director of the Frederick County Department of Public Works is hereby delegated the authority to cause to be erected traffic-control devices referred to in Md. Code Ann., Transportation Art. § 25-102, which is hereby incorporated by reference in this section.

(2) Such traffic-control devices may be erected on any roads, streets, alleys, highways, or rights-of-way under the jurisdiction of the Board of County Commissioners, provided that any such traffic-control devices or signals shall conform to the system set forth in the most recent edition of the "Manual on Uniform Traffic Control Devices" for streets and highways

adopted by the State Highway Administration. Provided further that the Director of the Department of Public Works shall file in the office of the County Manager to the Board of County Commissioners a memorandum of any action taken pursuant to this section indicating the action and the location, time, and reason for the action taken.

(B) Temporary directional signs may be erected in the county right-of-way, provided that all of the requirements of the Frederick County Zoning Ordinance are satisfied.

(Ord. 97-01-179, 1-21-1997)

§ 1-15-7. SNOW EMERGENCIES.

(A) *Definition of snow tires.* In this section, **SNOW TIRES** means those tires that are in a good state of repair and that:

(1) Are normally designated by their manufacturer as snow tires;

(2) Are approved by the State of Maryland Motor Vehicle Administrator as meeting the standards of effectiveness required of normally designated snow tires; or

(3) Have anti-skid patterns cut into the treaded surfaces to form bars, buttons, or blocks specially designed to give effective traction on snow- or ice-covered highways.

(B) *Roads declared snow emergency routes.* Each and every county road in the county is hereby declared to be a "snow emergency route" for the purposes of this section. No further designation is necessary for this purpose, and no signs are necessary to be posted or placed along the county roads; the normal promulgation of this section shall be considered sufficient notice.

(C) *Declaration of snow emergencies.* Whenever the Superintendent of the Maryland State Police or his representative shall declare a snow emergency for all state highway snow emergency routes in the county, such declaration shall likewise apply at that time to all the county roads as snow emergency routes; and the snow emergency shall continue in effect until the Superintendent or his representative declares it to be no longer necessary. In addition, the Superintendent of the Maryland State Police or his representative may declare a snow emergency for all county roads in the county separately from the state highways as he considers necessary. The snow emergency for the county roads shall continue in effect until the Superintendent or his representative declares it to be no longer necessary.

(D) *Chains or snow tires required on county roads during snow emergencies.* A person may not drive or attempt to drive a motor vehicle, other than a motorcycle, on any county road for which a snow emergency has been declared and is in effect unless the vehicle is equipped with chains or snow tires on at least 1 wheel at each end of a driving axle.

(E) *Parking prohibited on county roads during snow emergencies.* A person may not park a vehicle on the traveled portion of any county road, paved or unpaved, for which a snow emergency has been declared and is in effect. The state police or any authorized local police authority in the county may have any vehicle parked in violation of this section towed from the road at the owner's expense.

(F) *Penalty for violation.* It is a misdemeanor for any person to violate any of the provisions of this section. Any person convicted of a violation of any of the provisions of this section is subject to a fine of not more than \$500.

(Ord. 97-01-179, 1-21-1997)

§ 1-15-8. PENALTY FOR VIOLATIONS OF ARTICLE I.

Any person who violates any provision of Article I of this chapter of this Code or the provisions of any permit granted hereunder shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment of not more than 30 days in jail, or both, for each violation. Each day that such violation continues or occurs shall be deemed to constitute a separate offense. In addition, the county may proceed by way of an injunction in a court of competent jurisdiction to obtain compliance with the aforesaid provisions.

(Ord. 97-01-179, 1-21-1997)

§§ 1-15-9 – 1-15-19. RESERVED.

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