

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2019-2

INTRODUCED BY: COMMISSIONERS PORTER, FRANKLIN, AND LEVENGOOD

INTRODUCED ON: MARCH 26, 2019

ATTEST:

LARRY C. PORTER, PRESIDENT

PUBLIC HEARING: APRIL 23, 2019 BEGINNING AT 6:15 PM
COURTHOUSE, 109 MARKET STREET, ROOM 106,
DENTON, MARYLAND

THIRD READING:

ENACTED:

EFFECTIVE:

Chapter 152 – Roads, Bridges, and Rights-of-Way – Modifications from Specification and Design Standards for County Roads

AN Act concerning specification and design standards for County roads;
FOR the purpose of providing a process to allow modifications from the specification and design standards for County roads under certain circumstances;
BY adding a new §152-8.B. to the Code of Public Local Laws of Caroline County, Maryland.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners are specifically authorized by §10-317, §10-319, and §12-503 of the Local Government Article to control and regulate the public roads, bridges, and rights-of-way in Caroline County;

WHEREAS, the County Commissioners have determined this Bill is necessary and appropriate to protect and improve the general health, safety, and welfare of the County and its residents;

WHEREAS, this Bill may also be known by its short title "Chapter 152 – Roads, Bridges, and Rights-of-Way – Modification from Specification and Design Standards for County Roads."

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland, that:

SECTION 1. §152-8 OF CHAPTER 152 OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY, MARYLAND IS HEREBY AMENDED AS FOLLOWS:

§ 152-8. Specifications and design standards for County roads.

- A.** The Director of Public Works is authorized to develop, maintain and enforce a manual of specifications and design standards for County roads and rights-of-way. Such manual shall be adopted by resolution of the County Commissioners and be made available to the public. All construction and maintenance of and all repairs to all County roads shall conform to the manual of specifications and design standards. Any road for which approval is sought from the County to have the road accepted as a County road shall conform to the design manual before the road may be accepted by the County as a County road.

B. MODIFICATIONS FROM THE STANDARDS

(1) MODIFICATIONS FROM THE PROVISIONS OF THE MANUAL OF SPECIFICATIONS AND DESIGN STANDARDS FOR COUNTY ROADS MAY BE GRANTED WHERE:

(A) THERE IS A PROPOSED NEW USE OF LAND OR A MATERIAL CHANGE TO AN EXISTING USE OF LAND THAT REQUIRES:

- [1] THE DEVELOPMENT OF NEW ON-SITE ROADS THAT WILL BE CONVEYED TO THE COUNTY;**
- [2] THE IMPROVEMENT OF EXISTING ON-SITE ROADS THAT WILL BE CONVEYED TO THE COUNTY; OR**
- [3] THE MODIFICATION OR IMPROVEMENT OF EXISTING ON-SITE OR OFF-SITE COUNTY ROADS; AND**

(B) SOME GEOGRAPHIC (E.G. WETLAND, CRITICAL AREA, WATER CROSSING), GEOLOGIC, OR RIGHT-OF-WAY ISSUE PRESENTS A SUBSTANTIAL PRACTICAL DIFFICULTY IN ACHIEVING COMPLIANCE WITH THE MANUAL OF SPECIFICATION AND DESIGN STANDARDS FOR COUNTY ROADS.

(2) SUCH MODIFICATIONS MAY BE GRANTED BY THE PLANNING COMMISSION AS PART OF THE SITE PLAN APPROVAL PROCESS SUBJECT TO THE FOLLOWING CONDITIONS:

(A) THE MODIFICATION FROM THE STANDARDS SHALL BE THE MINIMUM NECESSARY TO ACCOMMODATE THE SUBSTANTIAL PRACTICAL DIFFICULTY REFERENCED UNDER PARAGRAPH (1)(B) OF THIS SUBSECTION; AND

(B) NO MODIFICATION SHALL BE GRANTED WITHOUT PRIOR REVIEW AND WRITTEN RECOMMENDATION BY THE TECHNICAL ADVISORY COMMITTEE, AS DEFINED IN §162-12 OF THE CODE AND AS MAY BE AMENDED FROM TIME TO TIME, THAT THE

PROPOSED MODIFICATION IS ACCEPTABLE FROM A PUBLIC HEALTH AND SAFETY PERSPECTIVE.

SECTION 2. Matter added is shown in **BOLD CAPITALIZATION**.

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code") in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

SECTION 7. This Bill shall take effect on _____.

Enacted this ____ day of _____, 2019.

ATTEST:

**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**

Jennifer M. Farina
Administrative Coordinator

Larry C. Porter, President

(SEAL)

Daniel J. Franklin, Vice President

Wilbur Levensgood, Jr., Commissioner