

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Bill No. CB-18-2013
 Chapter No. 43
 Proposed and Presented by The Chair (by request – County Executive)
 Introduced by Council Members Franklin, Turner, Lehman and Davis
 Co-Sponsors _____
 Date of Introduction September 10, 2013

BILL

1 AN ACT concerning

2 Department of Permitting, Inspections, and Enforcement

3 For the purpose of amending several provisions of the County Code to transfer certain
 4 responsibilities and functions to the Department of Permitting, Inspections, and Enforcement.

5 SECTION 1. BE IT ENACTED by the County Council of Prince George's County
 6 Maryland, that references to the Department of Environmental Resources and the Director of
 7 Environmental Resources contained in the following Sections of the County Code be and the
 8 same are hereby changed to the Department of Permitting, Inspections, and Enforcement and the
 9 Director of Permitting, Inspections, and Enforcement respectively:

10 SUBTITLE 2. ADMINISTRATION.

11 DIVISION 14A. BUILDING CONTRACTOR'S LICENSE.

12 Section 2-253.06

13 DIVISION 14B. MASTER ELECTRICIAN, JOURNEYMAN
 14 ELECTRICIAN, APPRENTICE ELECTRICIAN, AND
 15 ELECTRICAL CONTRACTOR LICENSES.

16 Section 2-253.50

17 SUBTITLE 4. BUILDING.

18 DIVISION 1. BUILDING CODE.

19 Sections 4-111, 4-112, 4-118, and 4-121

20 DIVISION 5. ADMINISTRATIVE PROVISIONS.

21 Sections 4-345, 4-349, and 4-352

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 2. BENEFIT PERFORMANCES.

Section 5-109

DIVISION 5. FORTUNETELLING AND OTHER SIMILAR PRACTICES.

Section 5-155

DIVISION 9A. MASSAGE ESTABLISHMENTS.

Sections 5-184.02, 5-184.03, 5-184.05, and 5-184.08

DIVISION 10. MOTOR VEHICLE RACES.

Sections 5-185, 5-186, 5-187, and 5-188

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

Sections 5-190, 5-192, 5-193.03, 5-193.04, and 5-193.05

DIVISION 13. PICNICS.

Sections 5-194, and 5-195

DIVISION 14. PUBLIC DANCES.

Sections 5-197, 5-198, 5-199, 5-200, 5-200.03, and 5-200.04

DIVISION 15. DOOR-TO-DOOR SOLICITORS.

Section 5-201

DIVISION 10. SECONDHAND AND PAWN DEALERS.

Sections 5-234, 5-239, and 5-240

DIVISION 23. MODEL STUDIOS.

Sections 5-314, 5-315, 5-317, 5-320, and 5-326

DIVISION 24. MASSAGE THERAPY.

Section 5-334

DIVISION 27. ADULT BOOK STORE AND/OR ADULT VIDEO STORE LICENSING AND REGULATION.

Sections 5-2703, 5-2704, 5-2705, 5-2706, and 5-2707

SUBTITLE 9. ELECTRICITY.

DIVISION 1. ELECTRICAL CODE.

Section 9-102

SUBTITLE 11. FIRE SAFETY.

DIVISION 3. PERMITS, CERTIFICATES, AND LICENSES.

Section 11-202

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 1. HOUSING CODE.

Sections 13-102, 13-106, and 13-109

DIVISION 3. LANDLORD-TENANT REGULATIONS.

Sections 13-138, and 13-162.01

DIVISION 4. RENTAL HOUSING.

Section 13-187

DIVISION 6. GROUP RESIDENTIAL FACILITIES.

Sections 13-204, 13-205, 13-206, 13-208, and 13-210

DIVISION 7. PROPERTY STANDARDS AND MAINTENANCE.

Section 13-231

DIVISION 9. ANTILITTER AND WEED ORDINANCE.

Section 13-261

DIVISION 10. HOUSING RECEIVERSHIP.

Section 13-302

DIVISION 12. NOTICE CONCERNING RESIDENTIAL OR
COMMERCIAL PROPERTY SUBJECT TO FORECLOSURE.

Section 13-1101

DIVISION 13. UTILITY DISCLOSURE AND HOME ENERGY
AUDITS.

Sections 13-1106, and 13-1109

SECTION 2. BE IT ENACTED by the County Council of Prince George's County Maryland, that references to the Department of Public Works and Transportation, DPW&T, the Director of Public Works and Transportation and Director, DPW&T contained in the following Sections of the County Code be and the same are hereby changed to the Department of Permitting, Inspections, and Enforcement and the Director of Permitting, Inspections, and Enforcement respectively:

SUBTITLE 5B. CHESAPEAKE BAY CRITICAL AREA.

DIVISION 2. URBAN AND RURAL LAND DEVELOPMENT.

Sections 5B-110, 5B-116, and 5B-119

SUBTITLE 29. PRESERVATION OF HISTORIC RESOURCES.

DIVISION 1. GENERAL PROVISIONS.

Section 29-102

SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.

DIVISION 1. ADMINISTRATIVE PROVISIONS.

Sections 32-104, 32-116, and 32-120

DIVISION 2. GRADING, DRAINAGE AND POLLUTION CONTROL.

Sections 32-125, 32-127, 32-133, 32-142, 32-153, and 32-162

DIVISION 4. FLOODPLAIN ORDINANCE.

Section 32-203

DIVISION 5. NONTIDAL WETLAND PROTECTION ORDINANCE.

Sections 32-216, and 32-217

The Prince George's County Code
(2011 Edition).

SECTION 3. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 4-108 and 4-123 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 4. BUILDING.

DIVISION 1. BUILDING CODE.

SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.

Sec. 4-108. Administration; Section 103, Department of Building Safety.

(a) Section 103.1 is amended to read as follows: "Building Inspection." [The Permits and Review Division of the Prince George's County Department of Environmental Resources is hereby created and the official in charge thereof shall be designated as the Building Code Official.] The Building Code Official shall be such person as the Director of the Department of [Environmental Resources] Permitting, Inspections, and Enforcement shall designate. The Fire Code Official shall be such person as the Director of the Department of [Environmental

Resources] Permitting, Inspections, and Enforcement shall designate with the concurrence of the Fire Chief. References in this Code to the term "Building Official or Code Official" shall be meant to refer to the Building Code Official except in references to fire safety provisions in which case the term "Building Official or Code Official" shall be meant to refer to the Fire Code Official.

* * * * *

Sec. 4-123. Definitions; Section 202, General Definitions.

* * * * *

(a) The following amendments, additions, and/or deletions are made to Sections 202 of the IBC and the IRC:

(1) The following definitions are inserted alphabetically into Section 202:

* * * * *

Conservation Agreement: A formal agreement which commits a grading or building permit applicant to the execution of various approved elements of a Conservation Plan, including a stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation management plan, and other plans which may be required by the Department of [Environmental Resources] Permitting, Inspections, and Enforcement or the Prince George's County Planning Board.

* * * * *

Conservation Plan: A plan developed in accordance with the Conservation Manual, which demonstrates how a project has been designed to meet the specific Chesapeake Bay Critical Area criteria. The Conservation Plan consists of a stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation management plan, and such other plans relating to environmental systems as may be required by the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission, the Prince George's County Health Department, the Prince George's County Department of Environmental Resources, the Prince George's County Department of Permitting, Inspections, and Enforcement, or the Prince George's Soil Conservation District.

Director: The Director of the Prince George's County, Maryland, Department of [Environmental Resources] Permitting, Inspections, and Enforcement or the Director's designee.

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SECTION 4. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Section 5-176 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 9. ICE AND ROLLER SKATING RINKS.

Sec. 5-176. Definitions.

(a) The following definitions apply in this Division:

(1) **Director** means the Director of [Environmental Resources] Permitting, Inspections and Enforcement or the Director's designee.

* * * * *

(3) **Office** means the Department of [Environmental Resources] Permitting, Inspections, and Enforcement.

* * * * *

SECTION 5. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 5B-108 and 5B-111 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 5B. CHESAPEAKE BAY CRITICAL AREA.

DIVISION 2. URBAN AND RURAL LAND DEVELOPMENT.

SUBDIVISION 1. GENERAL PROVISIONS.

Sec. 5B-108. Definitions.

(a) **Applicability.** For the purpose of this Subtitle, the following terms, phrases, and words and their derivations shall have the meaning given herein:

* * * * *

(19) **Conservation Agreement.** A formal agreement which commits a grading or building permit applicant to the execution of various approved elements of an approved conservation plan, planting plan or buffer management plan, including a stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation management plan, and other plans which may be required by the Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement, or the Prince George's County Planning Board. Conservation Agreements shall be recorded in the land records prior to permit issuance.

1 * * * * *

2 (21) **Conservation Plan.** A plan developed in accordance with this Subtitle and the

3 applicable provisions of Subtitles 24 and 27 which demonstrates how a project has been designed

4 to meet the specific Chesapeake Bay Critical Area criteria. The Conservation Plan consists of a

5 stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation

6 management plan, and such other plans relating to environmental systems as may be required by

7 the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and

8 Planning Commission, the Prince George's County Health Department, the Prince George's

9 County Department of Public Works and Transportation, the Prince George's County

10 Department of Permitting, Inspections, and Enforcement, or the Prince George's Soil

11 Conservation District.

12 * * * * *

13 (33) **Director.** Director of the Prince George's County, Maryland, Department of

14 [Public Works and Transportation] Permitting, Inspections, and Enforcement.

15 * * * * *

16 **Sec. 5B-111. Enforcement.**

17 * * * * *

18 (b) **Implementing Agencies and Compliance Officials.** These provisions shall be

19 implemented and enforced by the by the Director of [DPW&T] the Department of Permitting,

20 Inspections, and Enforcement and/or the Director's authorized representative. The Director of

21 [DPW&T] the Department of Permitting, Inspections, and Enforcement shall enforce, supervise

22 and delegate enforcement of the provisions of this Subtitle through the staff of the [DPW&T]

23 Department of Permitting, Inspections, and Enforcement[, and as appropriate, the Department of

24 Environmental Resources]. Should any infraction of provisions contained in this Subtitle, or

25 under any law, Chapter or plan related to the County's Critical Area Program provisions or

26 requirements, be brought to the attention of any official of the County, said official shall

27 immediately contact the Director of [DPW&T] the Department of Permitting, Inspections, and

28 Enforcement, or his/her designee, and when appropriate, in consultation with the County

29 Attorney, to determine the proper remedial course of action.

30 (1) The Director or the Director's authorized representative shall enforce, and

31 supervise and delegate enforcement responsibilities of this Subtitle [through subordinate

inspectors of the Department of Public Works and Transportation and the Department of Environmental Resources]. Staff of M-NCPPC shall provide assistance as requested.

* * * * *

(q) **Non-issuance, non-renewal, suspension, or revocation of a permit.** The Director or the Director's authorized representative may decline to issue or renew, or may suspend or revoke any permit or license issued under the authority of, or required by this Subtitle. The Director will coordinate with [the Department of Environmental Resources as needed to revoke building permits and with] M-NCPPC to revoke conservation plan approvals as necessary.

* * * * *

SECTION 6. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 23-102, 23-104, 23-105, 23-108, 23-113, 23-123, 23-128, 23-129, 23-134, 23-136, 23-138, 23-141, 23-156, 23-157, 23-159, 23-160, and 23-162 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 23. ROADS AND SIDEWALKS.

DIVISION 1. GENERAL PROVISIONS.

Sec. 23-102. Definitions.

* * * * *

(b) The following words and phrases are hereby defined with respect to their use in this Subtitle:

(5) **Department.** The Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement of Prince George's County.

(6) **Design and Construction Standards.** The "General Specifications and Standards for Highway and Street Construction" and the "Specifications and Standards for Highway Traffic Signals" of the Department of Public Works and Transportation, as adopted and amended from time to time as provided for by this Subtitle, together with the Design and Construction Standards specified herein, and the policies and procedures adopted pursuant to the authority of the Director of Public Works and Transportation as provided for by this Subtitle.

* * * * *

(8) **Director.** The Director of the Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement, or his duly authorized agent.

1 * * * * *

2 (21) **Specifications.** The "General Specifications and Standards for Highway and

3 Street Construction" and the "Specifications and Standards for Highway Traffic Signals" of the

4 Department of Public Works and Transportation, as adopted by this Subtitle and as amended

5 from time to time as provided by this Subtitle, along with any construction specifications,

6 general specifications, special conditions, and terms of any covenant or agreement referenced in

7 a construction contract or a permit for road construction, as adopted pursuant to the authority of

8 the Director as provided for by this Subtitle.

9 * * * * *

10 **Sec. 23-104. Exemptions.**

11 (a) The following road construction activities do not require a permit from the

12 Department:

13 * * * * *

14 (4) Road construction by a person working in conformance with a contract with the

15 Department of Public Works and Transportation for construction, improvement, or maintenance;

16 * * * * *

17 (6) Placement of mailboxes, newspaper delivery boxes, and similar facilities,

18 provided that they conform to standards established by the Department of Public Works and

19 Transportation;

20 * * * * *

21 **Sec. 23-105. Authority of the Director.**

22 * * * * *

23 (f) The Director of Public Works and Transportation shall establish and apply standards

24 for the maintenance of all County roads.

25 * * * * *

26 **Sec. 23-108. Appeals; right of appeal.**

27 (a) Prior to the commencement of any appeal, any person aggrieved, with the exception of

28 a person aggrieved under Section 23-117(a), shall, within fifteen (15) days of a decision, action,

29 or nonaction by an authorized representative of the Department, make known in writing the basis

30 of his complaint to the individual responsible for the decision, action, or nonaction, together with

31 a request for review. If a satisfactory resolution cannot be reached within fifteen (15) days of the

receipt of the written complaint, the person aggrieved may request a review of the decision by the next higher level of authority ([Division Chief, Associate Director, Director] as established by the Director).

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DIVISION 2. PERMITS, BONDS, FEES.

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Sec. 23-113. Submittal and approval of plans required.

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(i) Approval; phases. The Director may separately approve plans for the various phases of construction, including, but not limited to, grading, storm drainage, and paving. The phases and scope of work covered by the approved sediment control plans submitted to the Prince George's Soil Conservation District must be the same scope and phasing submitted to the Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement for permitting purposes.

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Sec. 23-123. Inspection and notice.

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(b) Inspection; penalty for noninspection.

* * * * *

(3) Where the permittee performs any work under the permit without an inspection, such work shall be considered improper, and such conduct on the part of the permittee may result in removal and replacement of all said construction by the permittee at his expense. In the event that proper notice is provided to the Department for inspection services to be performed on a permit, but no inspection is provided by the Department within two working days (48 hours) of the time of the request, the permittee, after verbal notification to the [Chief, Construction Regulation and Permits Division] Director's designee, may proceed with the work using independent inspection certification of the work or materials. The independent inspection certification must be provided by an agency approved by the Director.

* * * * *

DIVISION 3. DESIGN AND CONSTRUCTION STANDARDS AND REQUIREMENTS.

Sec. 23-128. Requirement of conformity to Subtitle, specifications, and standards.

* * * * *

(b) The Department of Public Works and Transportation shall make available for inspection current copies of this Subtitle and the Design and Construction Standards. The Design and Construction Standards referred to herein may be purchased from the Department of Public Works and Transportation at the established prevailing price.

Sec. 23-129. General construction requirements for existing or proposed County roads.

* * * * *

(g) A street name sign shall be installed at each intersection where required by the Director. The Department of Public Works and Transportation shall be responsible for the manufacturing and installation of street signs and for the development of standards for their design and installation. Permittees responsible for the construction of new roadways shall be responsible for all costs associated with manufacturing and installing new signs.

* * * * *

(j) Utility cuts.

* * * * *

(6) Prior to actual excavation within four hundred (400) feet of a signalized intersection, the permittee shall contact the Traffic Engineering Division of the Department of Public Works and Transportation to allow for the marking or protection of wiring and detectors associated with the intersection.

* * * * *

Sec. 23-134. Storm drainage.

* * * * *

(b) Plans for the proposed drainage system shall be submitted to the Department [of Environmental Resources] for review and approval.

* * * * *

Sec. 23-136. Grades.

(a) Grades shall be approved by the Director in accordance with the relevant specifications of the American Association of State Highway and Transportation Officials (AASHTO), as amended, and with the following:

* * * * *

(4) All new roads shall be constructed to remain passable during a 100-year flood event along any adjacent or nearby watercourse having a watershed of fifty (50) acres or more. The determination of the 100-year flood level with respect to the roadway for purposes of this Subsection shall include the effects of the roadway itself and any appurtenant structures and adjacent or nearby developments, but not the effects of partial or complete blockage of the approved drainage systems or structures. Exceptions to this requirement may be allowed at the discretion of the Director when:

(A) The watercourse is to be conveyed in an approved storm drain system running along the right-of-way and depending on the roadway as the overflow path for storms in excess of the 10-year storm, provided the watershed area does not exceed four hundred (400) acres, and provided that the Department [of Environmental Resources] approves the resultant 100-year floodway with respect to affected properties; or

* * * * *

Sec. 23-138. Standard paving sections.

The Director of Public Works and Transportation shall establish minimum standards for paving sections for each class of roadway and incorporate such standards into the Design and Construction Standards. Where determined by the Director of Public Works and Transportation to be necessary by reason of engineering criteria, special designs may be allowed or required.

* * * * *

Sec. 23-141. Planting and removal of roadside trees.

* * * * *

(h) Public or private utilities. When the Director of Public Works and Transportation determines that it is necessary to prune, top, or remove any roadside tree, the affected utility shall have the option of either temporarily removing its overhead wire(s) within forty-eight (48) hours after notice from the Director of Public Works and Transportation or pruning, topping, or removing such tree(s) under the direction of the Department of Public Works and Transportation.

(i) The Department of Public Works and Transportation shall be responsible for the removal and replacement of dead specimen trees within the public right-of-way.

(j) Dead or dying trees on private property that constitute a public nuisance. Where a tree exists on private property adjacent to a public right-of-way with dead or decaying branches overhead which protrude into the right-of-way, and the Director of Public Works and

1 Transportation determines that such tree creates a public nuisance, the property owner shall
2 remove the tree or the dead or decaying branches, thereby removing the hazard to the public.

3 (1) The Department of Public Works and Transportation shall notify the property
4 owner in writing that the hazard must be removed within a specified time period. The time
5 period may vary depending upon the severity of the hazard.

6 (2) In the event that the property owner fails to remove the hazard within the
7 specified period, the Department of Public Works and Transportation shall proceed to abate the
8 nuisance by applying to a court of proper jurisdiction for injunctive relief. The Department of
9 Public Works and Transportation shall recover the costs pursuant to the provisions of this
10 Subtitle.

11 (3) Notwithstanding the above where, in the opinion of the Director of Public Works
12 and Transportation, the hazard constitutes an immediate threat to the safety of the public, the
13 Department of Public Works and Transportation shall be authorized to take immediate action to
14 eliminate the hazard and recover the cost for same from the property owner.

15 (k) Coordination between Beautification Committee and Department of Public Works and
16 Transportation. The Committee may advise and make recommendations to the Director of
17 Public Works and Transportation as to plans of planting, maintaining, and protecting roadside
18 trees. The Committee may recommend species to be planted and the methods and times for
19 plantings. The Department of Public Works and Transportation shall coordinate, where possible,
20 with the recommendations of the Committee.

21 * * * * *

22 **DIVISION 5. ROAD CLOSINGS.**

23 **Sec. 23-156. Authority to close roads.**

24 The County Executive may, upon recommendation of the Director of Public Works and
25 Transportation, authorize the closing of any road under the jurisdiction of the County in
26 accordance with the procedures set forth in this Division.

27 **Sec. 23-157. Procedures.**

28 (a) Where users of the road or portion of road to be closed will not be denied access to any
29 property or area which was previously accessible, the County Executive may authorize the
30 closing upon the certification of such facts by the Director of Public Works and Transportation.

(b) Where the closing of the road will deny access to public users to areas or properties accessible from the road to be closed, or will take from abutting or nearby property owners the only direct access to a public road, or the Director of Public Works and Transportation finds or is advised that there is potential local objection to the closing, the Director of Public Works and Transportation shall first hold a public hearing. If the Director of Public Works and Transportation finds that local opposition to the closing is unlikely, he may notify the property owners served by the road, in writing, and post notices, in accordance with the following procedure, offering the opportunity to request a hearing; and, if no request is received, he may proceed as in Subsection (a), above. The purpose of the hearing shall be to take testimony to determine that reasonable or alternative means of access exist to property formerly accessible by the road to be closed, and that the road is no longer needed as a public way or that other public needs outweigh the need for the road as a public way. Each property owner as shown on the assessment books of the County abutting a portion of the road to be closed or any utilities which may gain access to their facilities by means of the portion of the road to be closed shall be notified in writing of the closing and of the date, time, and place a hearing will be held. In addition thereto, a notice shall be posted in such manner and size to give reasonable notice to the users of the road of the intended closing and time and place of hearing.

* * * * *

Sec. 23-159. Barricades.

Upon a closing of the road, the Department of Public Works and Transportation may barricade the road or may permit the abutting owners to place barricades, fences, or gates in such a manner as not to deny individual property rights.

Sec. 23-160. Roads in subdivision.

The provisions of this Division shall have no effect on the procedure for vacation of subdivision plats. Where, however, vacation of a subdivision plat affects a road which is being utilized at the time by the general public, the Director of Public Works and Transportation shall not consent to such vacation until such time as the County Executive has issued an Executive Order authorizing the closing of the road.

* * * * *

Sec. 23-162. Temporary closures of public roads.

(a) No person, except as otherwise specifically permitted by law, shall close a County road without first obtaining the permission of the Director of Public Works and Transportation. An applicant seeking a road closure shall provide information to the Department of Public Works and Transportation in a format as determined by the Director of Public Works and Transportation.

(b) The Director of Public Works and Transportation, in his sole discretion, may authorize the temporary closing of any County-maintained or other public road, or any part thereof, for the purposes of performing road construction, installation, maintenance, or repair of public utilities, or for similar activities.

(c) No temporary closing of a road shall deny to any person the legal access to his property, without his permission, nor interrupt through traffic on any primary, collector, or arterial road unless the Director of Public Works and Transportation determines that there is an acceptable alternate route or that the interruption will be of such short duration not to cause unreasonable inconvenience to the users of the road.

(d) A request from any person to temporarily close any road or any part thereof must be submitted in writing to the Department of Public Works and Transportation not less than ten (10) working days in advance of the date of the proposed closing. The Director of Public Works and Transportation may waive the ten (10) day notice requirement in cases of emergency beyond the control of the requester. The request shall include not less than the following information:

(1) Explanation of the road construction, utility work, or event for which the closing is requested, and a statement of why closing is necessary for the proposed activity;

(2) The location and precise limits of the requested closing;

(3) The date, time, and duration of the requested closing;

(4) A traffic control plan acceptable to the Department of Public Works and Transportation showing all required traffic signs, barricades, alternate routes, and such other traffic control measures as the Director of Public Works and Transportation may require;

(5) Evidence of permission from any property owner or tenant who will be temporarily denied access to his property from the public road system.

(e) Where a public utility experiences an emergency condition which requires the immediate temporary closure or partial closure of a public road for reasons of public safety due

1 to a failure of their system, the utility shall immediately contact the Department of Public Works
 2 and Transportation. During the day, notification shall be made to the Office of [Transportation]
 3 Highway Maintenance. During nonworking hours, notification shall be made to the
 4 [Department's] Department of Public Works and Transportation's dispatcher.

5 (f) Upon review by the Department of Public Works and Transportation, the Director of
 6 Public Works and Transportation may deny the request for temporary closing or may grant
 7 permission for the temporary closing in writing, as requested or as revised upon recommendation
 8 of the Department of Public Works and Transportation, with a statement of any conditions of the
 9 permission. The written permission and conditions must be acknowledged in writing by the
 10 person requesting the temporary closing, and shall be complied with throughout the duration of
 11 the activity for which the closing is requested.

12 (g) Failure of the requester to comply with any condition of the written permission for
 13 temporary closing shall result in immediate revocation of the permission, and the Director of
 14 Public Works and Transportation may require the roadway to be restored to a safe condition and
 15 to be reopened to public use immediately.

16 (h) Prior to expiration of the time stated in the written permission for the temporary
 17 closing, the requester shall be required to restore the road to a safe condition and shall reopen the
 18 road to public use at the end of the time stated. However, the Director of Public Works and
 19 Transportation may, in his sole discretion, grant an extension of the time for reopening, upon his
 20 determination that such extension is necessary for public safety or convenience or is necessitated
 21 by reasons beyond the control of the requester.

22 (i) The denial by the Director of Public Works and Transportation of permission to
 23 temporarily close a road or any part thereof or to extend the time of closing shall not be subject
 24 to review by the Board of Appeals for Prince George's County.

25 SECTION 7. BE IT FURTHER ENACTED by the County Council of Prince George's
 26 County, Maryland, that Sections 32-109, and 32-171 of the Prince George's County Code be and
 27 the same are hereby repealed and reenacted with the following amendments:

28 **SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.**

29 **DIVISION 1. ADMINISTRATIVE PROVISIONS.**

30 **SUBDIVISION 2. GENERAL PROVISIONS.**

Sec. 32-109. Accessibility.

(a) The Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement hereby adopts the Maryland Accessibility Code as set forth in Sections 05.02.02 et seq. of the Code of Maryland Regulations. Exit-way ramps shall have a width of not less than five (5) feet.

(b) The Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement shall be responsible for enforcing the Maryland Accessibility Code requirements pertaining only to areas outside of any building or structure[, except for any project that has only one (1) building on one (1) parcel, which shall be the responsibility of the Department of Environmental Resources].

* * * * *

DIVISION 3. STORMWATER MANAGEMENT.**SUBDIVISION 1. GENERAL PROVISIONS.****Sec. 32-171. Definitions.**

(a) For purposes of this Division, the following terms, phrases and words, and their derivations shall have the meaning given herein:

* * * * *

(19) **Department.** Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement.

* * * * *

(24) **Director.** The Director of [the Department] Permitting, Inspections, and Enforcement.

* * * * *

SECTION 8. BE IT FURTHER ENACTED that this Act is intended to make corrections in the Prince George's County Code in accordance with the provisions of the Executive Reorganization set forth in Executive Order No. 20-2012. Any provision of the Code remaining unchanged and in conflict with the reorganization should be interpreted to be consistent with the Prince George's County Charter and the reorganization.

SECTION 9. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of

competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 10. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 1st day of October, 2013.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.