

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-19-2018

Chapter No. 34

Proposed and Presented by Council Member Glaros

Introduced by Council Members Glaros, Toles, Turner, Taveras,
Franklin, Harrison and Patterson

Date of Introduction July 24, 2018

BILL

1 AN ACT concerning

2 Sidewalks

3 For the purpose of providing for defined terms; providing for sidewalks and general construction
4 standards; providing for sidewalk construction standards; providing for keeping sidewalks open
5 during construction; providing a certain exception; and generally regarding sidewalks.

6 BY repealing and reenacting without amendments:

7 SUBTITLE 23. ROADS AND SIDEWALKS.

8 Section 23-102,

9 The Prince George's County Code

10 (2015 Edition; 2017 Supplement).

11 BY repealing and reenacting with amendments:

12 SUBTITLE 23. ROADS AND SIDEWALKS.

13 Sections 23-129 and 23-135,

14 The Prince George's County Code

15 (2015 Edition; 2017 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Section 23-102 of the Prince George's County Code be and the same is hereby
18 repealed and reenacted without amendments:

19 **SUBTITLE 23. ROADS AND SIDEWALKS.**

20 **DIVISION 1. GENERAL PROVISIONS.**

21 **Sec. 23-102. Definitions.**

1 * * * * *
2 (b) The following words and phrases are hereby defined with respect to their use in this
3 Subtitle:

4 * * * * *
5 (12) **Permittee.** Any person who has been granted a permit for construction. Also,
6 any contractor, subcontractor, excavator, or other person undertaking construction pursuant to
7 a permit.

8 * * * * *
9 (16) **Right-of-Way.** Any land area which has been dedicated to public use by a plat
10 of subdivision or other instrument recorded in the land records of the County; also, any land
11 area deeded to or acquired by the County for road or transportation purposes; also, any land
12 area which has been conveyed to a public agency by easement for public use for road or
13 transportation purposes; also, any land area which has been declared by competent authority to
14 be a public right-of-way through use or through prescriptive usage in accordance with
15 Maryland law; also, any land area along a County-maintained road which falls within the
16 traveled way or the actively maintained shoulders and side ditches of the County-maintained
17 road. With respect to a private road conforming to this Code, any land area contained in an
18 easement or private right-of-way recorded in the land records of the County for ingress and
19 egress, access, or terms of similar meaning. With respect to storm water management facilities,
20 any land area contained in an easement or right-of-way recorded in the land records of the
21 County for the installation, operation, or maintenance of the said facilities.

22 (17) **Road.** Any travel way or right-of-way, whether open or not, and any land area
23 dedicated to public use, in a recorded deed or recorded plat of subdivision, for the purpose of,
24 or used for, passage of vehicular or pedestrian traffic, together with adjacent appurtenant
25 drainage ditches, channels, support slopes, structures, walks, and traffic control devices. This
26 term shall embrace all ways designated as roads, streets, alleys, lanes, paths, highways,
27 avenues, or terms of similar meaning.

28 * * * * *

29 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
30 Maryland, that Sections 23-129 and 23-135 of the Prince George's County Code be and the same
31 are hereby repealed and reenacted with the following amendments:

1 **SUBTITLE 23. ROADS AND SIDEWALKS.**

2 **DIVISION 3. DESIGN AND CONSTRUCTIONS STANDARDS AND REQUIREMENTS.**

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

4 (a) All road construction shall conform to this Subtitle.

5 (b) All roads to be constructed shall be graded to the full width of the right-of-way
6 or as shown on the approved plans.

7 (c) Grading shall include clearing and grubbing, the removal and replacement of all
8 unsuitable material, and the proper preparation of subgrade.

9 (d) Sufficient underdrains shall be installed as directed by the Department.

10 (e) No work on road pavement shall be started until all underground utilities within
11 areas of public dedication have been installed and properly backfilled in accordance with
12 accepted standards as determined by the inspector. In the case of water and sewer utilities, the
13 permittee is required to notify WSSC immediately after base paving operations so WSSC can
14 schedule an inspection of its facilities within ten (10) working days and issue a preliminary
15 paving clearance certificate. Notification shall include the project name, location, Department
16 permit number, and contact person's name at the site. Upon completion of final paving, the
17 permittee is also required to notify the WSSC so that WSSC can schedule an inspection of its
18 facilities within ten (10) working days and issue a final paving clearance certificate.

19 (f) All materials used in construction shall conform in every detail to the Design
20 and Construction Standards. The Director is authorized to accept materials which are
21 substantially equivalent to the materials required by the Design and Construction Standards.

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

27 (h) The permittee shall erect barricades of a design approved by the Director at
28 locations as shown on approved plans or in accordance with accepted standards as determined
29 by the inspector.

30 (i) Until such time as the Director accepts the work, the permittee, including a
31 public utility, shall safely maintain pedestrian and vehicular traffic on the roadway within the

1 permit limits of the work, and provide materials, labor, and equipment in accordance with
2 accepted standards as directed by the inspector, including construction of warning signs,
3 flagmen, lights, and barricades to properly maintain traffic in accordance with the latest edition
4 of the Manual on Uniform Traffic Control Devices for Streets and Highways as published by
5 the U.S. Department of Transportation. Except as provided in this Section, [Sidewalks]
6 sidewalks shall remain open or an alternate route shall be provided to pedestrian traffic. A
7 sidewalk may be closed and no alternative route provided if a regulated utility, bi-county
8 agency or the Department determines that it is not feasible to keep the sidewalk open or
9 provide an alternative route. The inspector may, in cooperation with police and/or traffic
10 authorities, discontinue traffic temporarily where public safety absolutely requires same. The
11 permittee shall also have a duty to:

- 12 (1) Properly illuminate, mark, and barricade excavations or other hazards at all
13 times;
- 14 (2) Provide adequate access, to include the removal of snow and ice from
15 partially constructed roadways, to all driveways and sidewalks within the permit limits;
- 16 (3) Control dust conditions within the area covered by the permit by placing
17 calcium chloride or water, or both, as directed;
- 18 (4) Shape up the roadway by blading, as directed;
- 19 (5) Correct muddy or soft subgrade conditions by placing temporary gravel or
20 stone thereon;
- 21 (6) Promptly remove any dirt and debris on streets in, and adjacent to, the work
22 area during the construction period as directed by the inspector; and
- 23 (7) Utilize only the roadways designated by the Department for access and
24 egress of construction vehicles.
- 25 (8) Failure of construction vehicles to adhere to signed prohibitions of use may
26 result in revocation of permits issued to the permittee by the Department.

27 * * * * *

28 **Sec. 23-135. - Curb and gutter; hiker-biker trails; sidewalk.**

- 29 (a) Curb and gutter shall be required in the following circumstances:
- 30 (1) Where the majority of individual lots abutting any road have a frontage
31 of one hundred (100) feet or less;

1 (2) Where any road abuts property in the process of development for
2 multidwelling residential, commercial, or industrial use which is not being subdivided into
3 individual building lots;

4 (3) Where any road abuts property in the process of development for
5 townhouses, cluster, or similar uses in which individual building lots are interior to the
6 subdivision and the road abuts common or open space areas of the subdivision;

7 (4) Where curb and gutter construction is required by traffic or pedestrian
8 conditions as determined by the Director.

9 (b) Hiker-biker trails. Hiker-biker trails with appropriate ramps may be required in
10 accordance with the Design and Construction Standards within the road right-of-way along
11 routes designated as such on the Adopted and Approved Countywide Trails Plan or Area
12 Master Plans maintained by the Maryland-National Capital Park and Planning Commission.
13 The Department will accept the trail for maintenance only where the trail is located within, or
14 parallel to and touching, the road right-of-way, and upon completion and acceptance of the
15 construction. In addition, the Director may require construction of such trails along primary
16 residential, collector, arterial, and industrial-commercial roads. Except as provided in this
17 Section, [Hiker-biker] hiker-biker trails shall stay open or an alternate route shall be provided.
18 A hiker-biker trail may be closed and no alternative route provided if a regulated utility, bi-
19 county agency or the Department determines that it is not feasible to keep the sidewalk open or
20 provide an alternative route.

21 (c) Sidewalks. Sidewalks shall be required along urban roads in the following
22 circumstances:

23 (1) Arterials - both sides.
24 (2) Collectors - both sides.
25 (3) Commercial/Industrial - as determined by the Director.
26 (4) Primary Residential - on one side. Where existing sidewalks are located
27 on both sides of the street, construction of the sidewalks on both sides of the street shall be
28 continued to the next intersection where the sidewalk construction will transition to one-sided
29 construction. Except as provided in this Section, the [The] alternate sidewalk shall remain open
30 to pedestrian traffic. A sidewalk may be closed and no alternative route provided if a regulated

1 utility, bi-county agency or the Department determines that it is not feasible to keep the
 2 sidewalk open or provide an alternative route.

3 (5) Secondary Residential - on one side. Where existing sidewalks are
 4 located on both sides of the street, construction of the sidewalks on both sides of the street
 5 shall be continued to the next intersection where the sidewalk construction will transition to
 6 one-sided construction. Except as provided in this Section, the [The] alternate sidewalk shall
 7 remain open to pedestrian traffic. A sidewalk may be closed and no alternative route provided
 8 if a regulated utility, bi-county agency or the Department determines that it is not feasible to
 9 keep the sidewalk open or provide an alternative route.

10 (d) Sidewalks on State roads. Sidewalks may be required along all State roads that
 11 have concrete curb and gutter, or where it is required by the SHA. A permit issued by the
 12 Department will be required for this work where a SHA permit is not required.

13 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 14 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 15 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 16 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 17 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 18 Act, since the same would have been enacted without the incorporation in this Act of any such
 19 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 20 or section.

21 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 22 calendar days after it becomes law.

Adopted this 11th day of September, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
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.