

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2012 Legislative Session

Bill No. CB-83-2012

Chapter No. 86

Proposed and Presented by Council Members Olson, Turner, Franklin and Lehman

Introduced by Council Members Olson, Turner, Franklin and Lehman

Co-Sponsors _____

Date of Introduction October 23, 2012

BILL

1 AN ACT concerning

2 Complete and Green Streets Policy

3 For the purpose of the establishment of a complete and green streets policy in Prince George's
4 County; and generally relating to the County road and sidewalk code.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 23. ROADS AND SIDEWALKS.

7 DIVISION 1. GENERAL PROVISIONS.

8 Section 23-102,

9 The Prince George's County Code

10 (2007 Edition, 2010 Supplement)

11 BY adding:

12 SUBTITLE 23. ROADS AND SIDEWALKS.

13 DIVISION 7. COMPLETE AND GREEN STREETS.

14 Sections 23-615,

15 The Prince George's County Code

16 (2007 Edition, 2010 Supplement)

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Section 23-102 of the Prince George's County Code be and the same is hereby
19 repealed and reenacted with amendments:

20 **SUBTITLE 23. ROADS AND SIDEWALKS.**

21 **DIVISION 1. GENERAL PROVISIONS.**

1 **Sec. 23-102. Definitions.**

2 (a) Except as herein provided, the definitions of words and phrases used in this Subtitle
 3 shall be the same as stated in Subtitles 1, 4, 24, 26, and 27 of this Code. If not defined in the said
 4 Subtitles or herein, the words or phrases shall have the meanings generally recognized under
 5 Maryland law.

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

8 * * * * *

9 (4) **Complete Street** means a public street that safely and adequately accommodates
 10 motorized and non-motorized users, including pedestrians, bicycles, motor, freight, emergency
 11 and transit vehicles, in a manner appropriate to the function and context of the facility.

12 (5) **Default.** The condition in which a permittee has failed to complete the work
 13 covered within the scope of the permit within the time prescribed in the permit, or the time
 14 prescribed by this Subtitle if not stated in the permit.

15 [(5)] (6) **Department.** The Department of Public Works and Transportation of
 16 Prince George's County.

17 [(6)] (7) **Design and Construction Standards.** The "General Specifications and
 18 Standards for Highway and Street Construction" and the "Specifications and Standards for
 19 Highway Traffic Signals" of the Department, as adopted and amended from time to time as
 20 provided for by this Subtitle, together with the Design and Construction Standards specified
 21 herein, and the policies and procedures adopted pursuant to the authority of the Director as
 22 provided for by this Subtitle.

23 [(7)] (8) **Developer.** Any person, as herein defined, undertaking any building,
 24 alteration, reconstruction, or other development or redevelopment activity as herein defined.

25 [(8)] (9) **Director.** The Director of the Department of Public Works and
 26 Transportation, or his duly authorized agent.

27 [(9)] (10) **Green Street** means a street or road that safely and adequately
 28 accommodates and incorporates best management practices of environmental site design for
 29 addressing stormwater runoff, including using small scale stormwater management practices,
 30 nonstructural techniques, and better site planning to minimize the impact of road and sidewalk
 31 development on water resources.

1 [(10)] (11) **Inspector.** A person authorized by the Director to observe and inspect
2 conditions within or affecting the right-of-way, to include road construction and materials used
3 in road construction to determine or enforce compliance with this Subtitle, the Design and
4 Construction Standards, and the terms of any permit or contract requirement.

5 [(11)] (12) **Litter.** Litter as defined by Section 13-261 of this Code.

6 [(12)] (13) **Park and Planning Commission.** The Maryland-National Capital Park
7 and Planning Commission.

8 [(13)] (14) **Permit.** An official document or certificate issued by the Director, or his
9 duly authorized agent, authorizing performance of specified construction at a specified location
10 and within a specified time, together with all supporting documents, agreements, conditions,
11 plans, and specifications.

12 [(14)] (15) **Permittee.** Any person who has been granted a permit for construction.
13 Also, any contractor, subcontractor, excavator, or other person undertaking construction pursuant
14 to a permit.

15 [(15)] (16) **Person.** A person as defined by Section 1-102 of this Code; also any public
16 utility, public agency, political subdivision, authority, or agent thereof.

17 [(16)] (17) **Planning Board.** The Planning Board for Prince George's County, as
18 defined in Article 28 of the Annotated Code of Maryland.

19 [(17)] (18) **Portable Storage Container.** A non-vehicular outdoor container for the
20 storage of household or other items greater in size than three cubic yards.

21 [(18)] (19) **Public Utility.** An organization franchised by the County or State
22 Government or authorized by law to install, operate, and maintain facilities in public or private
23 rights-of-way for the purpose of distribution of fuel or energy, for communication, or for
24 distribution of a public water supply and collection and conveyance of sanitary sewage or storm
25 water. This term does not include an organization franchised to construct, operate, or maintain a
26 public transportation system.

27 [(19)] (20) **Right-of-Way.** Any land area which has been dedicated to public use by a
28 plat of subdivision or other instrument recorded in the land records of the County; also, any land
29 area deeded to or acquired by the County for road or transportation purposes; also, any land area
30 which has been conveyed to a public agency by easement for public use for road or
31 transportation purposes; also, any land area which has been declared by competent authority to

1 be a public right-of-way through use or through prescriptive usage in accordance with Maryland
 2 law; also, any land area along a County-maintained road which falls within the traveled way or
 3 the actively maintained shoulders and side ditches of the County-maintained road. With respect
 4 to a private road conforming to this Code, any land area contained in an easement or private
 5 right-of-way recorded in the land records of the County for ingress and egress, access, or terms
 6 of similar meaning. With respect to storm water management facilities, any land area contained
 7 in an easement or right-of-way recorded in the land records of the County for the installation,
 8 operation, or maintenance of the said facilities.

9 [(20)] **(21) Road.** Any travel way or right-of-way, whether open or not, and any land
 10 area dedicated to public use, in a recorded deed or recorded plat of subdivision, for the purpose
 11 of, or used for, passage of vehicular or pedestrian traffic, together with adjacent appurtenant
 12 drainage ditches, channels, support slopes, structures, walks, and traffic control devices. This
 13 term shall embrace all ways designated as roads, streets, alleys, lanes, paths, highways, avenues,
 14 or terms of similar meaning.

15 (A) **County Road.**

16 (i) **County-maintained.** A public road which has been accepted for full
 17 perpetual maintenance by the County.

18 (ii) **Other Public.** A public road which has been dedicated, deeded, or
 19 assigned to public use through easement, and is open to the public, but over which no public
 20 agency has assumed the responsibility for full maintenance. Maintenance by the County is
 21 limited to the correction of dangerous conditions so as to permit all-weather use by emergency
 22 vehicles and to correct any condition that jeopardizes the lives of the motoring public.

23 (iii) **Other Public Surfaced.** An other public road which has been
 24 improved with an all-weather surface by the County. Maintenance is limited to providing snow
 25 and ice control as necessary for emergency vehicle access, drainage work necessary to protect
 26 the all-weather surface, and repairs to the paved surface.

27 (B) **Federal Road.** A public road which is under the jurisdiction of the United
 28 States Government.

29 (C) **Historic Road.** A public or private road, as designated by the County
 30 Council, which has been documented by historic surveys or maps, and which maintains its

1 historic alignment and historic landscape context through views of natural features, historic
2 landscape patterns, historic sites and structures, historic farmstead groupings, or rural villages.

3 (D) **Municipal Road.** A public road which is under the jurisdiction of an
4 incorporated municipality.

5 (E) **Park Road.** A public road which is under the jurisdiction of the Park and
6 Planning Commission.

7 (F) **Private Road.** Any road which is not a public road.

8 (G) **Public Road.** A road which has been accepted for maintenance by a public
9 agency, political subdivision, or incorporated municipality; also, any road which lies within a
10 right-of-way owned by, or under the jurisdiction of, the County or dedicated to public use by a
11 recorded deed or recorded plat of subdivision; also, any road which has become recognized as
12 public under Maryland law through long use by the general public.

13 (H) **Scenic Road.** A public or private road, as designated by the County
14 Council, which provides scenic views along a substantial part of its length through natural or
15 manmade features such as forest or extensive woodland, cropland, pasturage, or meadows;
16 distinctive topography, including outcroppings, streambeds, or wetlands; traditional building
17 types; historic sites; or roadway features such as curving, rolling roadway alignment and "leaf
18 tunnels."

19 (I) **State Road.** A public road which is under the jurisdiction of the State of
20 Maryland.

21 [(21)] (22) **Road Construction.** Any act of opening, cutting into, clearing, grading,
22 cultivating, excavating, maintaining, repairing, building, constructing, improving, or otherwise
23 altering any road or any part thereof; also, placing any structure, plant, or other permanent object
24 in a road, whether authorized by permit or not; also, any act of establishing or creating an
25 entrance into any road.

26 [(23)] (23) **Roadside Tree.** Any tree or shrub growing within the right- of-way of any
27 public road.

28 [(23)] (24) **S.H.A.** The State Highway Administration of Maryland.

29 (25) **Specifications.** The "General Specifications and Standards for Highway and
30 Street Construction" and the "Specifications and Standards for Highway Traffic Signals" of the
31 Department, as adopted by this Subtitle and as amended from time to time as provided by this

1 Subtitle, along with any construction specifications, general specifications, special conditions,
2 and terms of any covenant or agreement referenced in a construction contract or a permit for road
3 construction, as adopted pursuant to the authority of the Director as provided for by this Subtitle.

4 (26) **WSSC.** The Washington Suburban Sanitary Commission.

5 (27) **Weeds.** Weeds as defined by Section 13-261 of this Code.

6 * * * * *

7 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
8 Maryland, that Section 23-615 of the Prince George's County Code be and the same is hereby
9 added:

10 **SUBTITLE 23. ROADS AND SIDEWALKS.**

11 **DIVISION 7. COMPLETE AND GREEN STREETS.**

12 **Sec. 23-615. Complete and Green Streets Policy.**

13 (a) The County hereby adopts a complete and green street policy and principles,
14 consistent with the adopted Complete Street Policy by National Capital Region Transportation
15 Planning Board and the National Complete Streets Coalition, as revised by the County Code.

16 (b) All planned County financed and approved road, sidewalk, trail and transit related
17 construction and reconstruction projects shall include environmental site design and facilities for
18 the combined use of motor, emergency and freight vehicles, transit, bicycles and pedestrians,
19 except when cost shall be disproportionate to the projected need or when such facilities would be
20 inappropriate due to the nature of the project, including the context and character of the
21 surrounding built and natural environment of the neighborhood or area.

22 (c) The Department will review and revise, as deemed necessary by the Director,
23 plans, manuals, policies, processes and the capital improvement program to foster the
24 implementation of a complete and green street on public roadways projects, including privately
25 built projects approved by the Department or on non-County projects funded in part or entirely
26 by county funds.

27 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
28 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
29 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
30 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
31 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

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

Adopted this 20th day of November, 2012.

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.