

ORDINANCE NO.	<u>2012-07</u>
INTRODUCED	<u>12/10/2012</u>
PUBLIC HEARING	_____
ENACTED	_____
EFFECTIVE	_____

**ORDINANCE TO AMEND**

ARTICLE III, "TRAFFIC, VEHICLES AND TRANSPORTATION" TO CHANGE THE TITLE OF THE ARTICLE AND TO ENACT SECTION 14 "CONSTRUCTION IN PUBLIC WAYS AND ON TOWN PROPERTY" AND TO AMEND ARTICLE XVI "SCHEDULE OF FEES", TO ENACT SECTION 10, "PUBLIC WAYS AND PROPERTY PERMIT FEE" TO REQUIRE A PERMIT FOR WORK IN THE PUBLIC WAYS OR ON TOWN PROPERTY, TO PROVIDE FOR A STOP WORK ORDER AND TO SET A FEE

WHEREAS, the Charter for the Town of Washington Grove empowers the Town Council to adopt ordinances for the purposes:

- To control, protect, and maintain public buildings, grounds, and property of the Town;
- To maintain in good condition the public ways of the Town; and
- To establish, regulate, and change from time to time the grade lines, widths, and construction materials of any Town public way or part thereof, including bridges, curbs, and gutters.

WHEREAS, amending Article III, "Traffic, Vehicles and Transportation", to enact a permit requirement for construction in the public ways under Town jurisdiction and on Town property, to provide for a stop work order, and to set a permit fee, will assist with protecting public property, public ways, and the character of the Town.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Washington Grove, Maryland that Article III, "Traffic, Vehicles, and Transportation", be and is hereby repealed, reenacted and amended to read as follows:

Article III – Traffic, Vehicles, [~~and~~] Transportation, PUBLIC WAYS AND TOWN PROPERTY  
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**SECTION 14. CONSTRUCTION IN PUBLIC WAYS AND ON TOWN PROPERTY**

(A) FOR PURPOSES OF THIS SECTION:

1. "PERSON" INCLUDES INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP, CORPORATION, UTILITY, GOVERNMENTAL BODY, OR COMBINATION THEREOF.
2. "PUBLIC WAY" INCLUDES ANY STREET, AVENUE, ROAD, HIGHWAY, LANE, ALLEY OR OTHER RIGHT OF WAY UNDER THE JURISDICTION OF THE TOWN, INCLUDING CURBS, GUTTERS, SIDEWALKS OR STORM DRAINAGE FACILITIES.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO PERFORM ANY EXCAVATING OR OTHER WORK EITHER IN THE PUBLIC WAYS OR ON TOWN PROPERTY NOT IN

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CAPS : Indicate matter added to existing law.  
 [Brackets] : Indicate matter deleted from law.  
 Asterisks \* \* \* : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

THE PUBLIC WAYS WITHOUT FIRST OBTAINING A PERMIT FROM THE TOWN THROUGH ITS PLANNING COMMISSION AT A FEE ESTABLISHED BY ARTICLE XVI, SECTION 10, PUBLIC WAYS AND PROPERTY PERMIT FEE. PRIOR TO ITS CONSIDERATION OF A PERMIT APPLICATION, THE PLANNING COMMISSION MAY REQUIRE THE APPLICANT TO PROVIDE SUCH INFORMATION AS IS NECESSARY FOR THE REVIEW. IN THE CASE OF A UTILITY EMERGENCY, A WAIVER MAY BE OBTAINED FROM THE MAYOR.

(C) A BOND BASED ON THE NATURE AND EXTENT OF THE PROPOSED WORK MAY BE REQUIRED.

(D) IN ADDITION TO ANY OTHER ENFORCEMENT AVAILABLE BY LAW, THE MAYOR MAY ISSUE A STOP WORK ORDER AGAINST ANY PERSON VIOLATING THIS SECTION. NO PERSON SHALL CONTINUE TO WORK IN VIOLATION OF THE PROVISIONS OF A STOP WORK ORDER STILL IN EFFECT AND OPERATION. FAILURE TO COMPLY WITH A STOP WORK ORDER IS A VIOLATION OF THIS ARTICLE.

(E) THIS SECTION DOES NOT APPLY TO RESIDENTIAL DRIVEWAYS AND PARKING AREAS.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Washington Grove, that Article XVI, "Schedule of Fees", Section 10, "Public Ways And Property Permit Fee" be and is hereby enacted to read as follows:

SECTION 10 PUBLIC WAYS AND PROPERTY PERMIT FEE

THE FILING FEE FOR A PUBLIC WAYS AND PROPERTY PERMIT IS \$100.00.

EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

TOWN OF WASHINGTON GROVE

\_\_\_\_\_  
Georgette Cole, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
CAPS

[Brackets]

Asterisks \* \* \*

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