



Ordinance No:	<u>2019-15</u>
Introduced by Town Council:	<u>09/09/2019</u>
Public Hearing:	<u>11/11/2019</u>
Enacted:	<u>11/11/2019</u>
Effective:	<u>12/11/2019</u>

ORDINANCE TO AMEND ARTICLE III, TRAFFIC, VEHICLES AND TRANSPORTATION,
SECTION 14, CONSTRUCTION IN PUBLIC WAYS AND ON TOWN PROPERTY,
TO ADD APPLICABILITY FOR RESIDENTIAL DRIVEWAYS AND PARKING AREAS

WHEREAS, the Charter for the Town of Washington Grove empowers the Town Council to adopt ordinances for the purposes (Sections 64, 65, and 66):

- 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, Article III, Section 14, Construction in Public Ways and on Town Property, was enacted in 2013 including an exclusion for residential driveways and parking areas; and

WHEREAS, a public hearing was held on November 11, 2019, and at this hearing concerned residents testified; and

WHEREAS, after consideration of the public record, the Town Council concludes that applying the Public Ways and Property Permit process for *new* residential driveways and parking areas will enable the Town of Washington Grove to promote reliance on sustainable permeable surfaces and better protect the public property of the Town from the adverse effects of stormwater runoff.

THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Washington Grove, Maryland, that Article III Section 14 is hereby amended to delete item D. and read as follows:

Section 14. Construction in Public Ways and on Town Property

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.

- A. 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 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.
- B. A bond based on the nature and extent of the proposed work may be required.
- C. 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.
- D. This section does not apply to ordinary maintenance and repair of existing residential driveways and parking areas.
- E. The Planning Commission will review the location, character, and extent of the proposed work for consistency with the Washington Grove Master Plan, and/or with other evaluation criteria contained in the Town Charter, enacted Town ordinances, or adopted Town resolutions.
- F. The submission to the Planning Commission shall be considered approved if the Planning Commission fails to act on the submission within 60 days after the date it was submitted; except that the Planning Commission, by resolution, may extend this time limit by 30 days.

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.

ENACTED THIS 11th DAY OF November, 2019.

TOWN OF WASHINGTON GROVE

Mayor

ATTEST:

Town Clerk

Date