

## Chapter 18

### STREETS AND SIDEWALKS\*

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\* **Charter References:** Control over roads, § 3(6).

**Cross References:** Cable television, Ch. 5; roadside sales, § 10-19; motor vehicles and traffic, Ch. 11; driving over curbs and sidewalks, § 11-25; restrictions on ball games in streets, § 16-1; obstructing streets, sidewalks, etc., § 16-2.

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## ARTICLE I.

### IN GENERAL

#### Sec. 18-1. Building or construction operations.

Every person having charge of any building or construction operations, either as owner or contractor, shall remove or cause to be removed, at the expiration of each working day, from any street, alley, sidewalk or other public place adjacent to such building or construction operations, all earth, sand, gravel, dirt, mortar, stones, broken brick, shavings, rubbish and all other litter that may have been deposited or accumulated thereon as a result of such building or construction operations.

(Code 1971, § 17-14)

#### Sec. 18-2. Vehicle tires placing mud, etc., on streets.

(a) No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(b) Violations of this section shall be considered a municipal infraction and be subject to a fine of

two hundred fifty dollars (\$250.00) for each offense.

(c) Each day the violation continues shall constitute a separate offense.  
(Code 1971, § 17-13; Ord. No. 1178, 2-22-99)

**Sec. 18-3. Hedges, shrubs, etc., abutting streets, etc.**

(a) Hedges, shrubs, trees, bushes, vines or any type of plants used as a fence or property line separator shall be trimmed or pruned at regular intervals so that branches or any part of the hedges, etc., shall not extend into the vertical plane of any public paved walkway, even when hedges are spread by wet or snowy weather.

(b) Tree limbs or branches shall be trimmed to clear paved walkways at least eight (8) feet above the walks.

(c) On any corner lot in a residential area at the intersection of public right-of-way, no fence, wall, terrace, structure, shrubbery, planting, tree or other obstruction to vision shall be erected or be permitted to grow to a height over forty-two (42) inches above the paved roadway for a distance of twenty-five (25) feet back each way from the intersection, measured from the closest edge of the paved area of each roadway.

(d) On any corner lot in any residential area at the intersection of any public right-of-way and the paved entrance to any court or parking area no fence, wall, terrace, structure, shrubbery, planting, tree or other obstruction to vision shall be erected or permitted to grow to a height over forty-two (42) inches above the paved roadway for a distance of fifteen (15) feet back each way from the intersection, measured from the closest edge of the paved area of the roadway and the entrance driveway.

(e) No hedges, shrubs, trees, bushes, vines or any type of plants shall be permitted to obstruct or interfere with the function of any hydrant, water or gas meter, or any other public utility valve or any drainage catchbasin.

(f) Whosoever is responsible for the hedges, thorny bushes, trees, bushes, shrubs, vines, fence, wall, structure, etc., and violates any of these regulations, shall be served with a ten-day warning notice of the violation, and failure to comply with regulations within that period shall be deemed guilty of an offense.

(g) Violations of this section shall be municipal infractions. The fine for the violation of any provision of this section shall be as follows:

(1) Fifty dollars (\$50.00) for each initial offense;

(2) One hundred dollars (\$100.00) for a second violation of the same regulation occurring within six (6) months of the previous offense;

(3) Two hundred fifty dollars (\$250.00) for each subsequent violation of the same offense occurring within six (6) months of the previous offense after two (2) or more violations have occurred.

(Code 1971, § 18-2; Ord. No. 1178, 2-22-99)

**Secs. 18-4--18-20. Reserved.**

**ARTICLE II.**

**CONSTRUCTION, IMPROVEMENTS, ETC.**

**DIVISION 1.**

**GENERALLY**

**Sec. 18-21. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*City manager.* The duly appointed city manager of Greenbelt, Maryland and/or the designated agents of the city manager responsible for the administration and enforcement of the requirements of this chapter.

*Design and construction standards.* The design and construction standards of the department of public works and transportation of the county adopted herewith and revised and amended from time to time by the city council.

*Improve.* To open, grade, construct, maintain or repair.

*Other public road.* A road within the jurisdiction of the city over which no other public agency has assumed the responsibility for maintenance.

*Outlot.* A remnant of a subdivision which because of size, shape or location, is not immediately developable.

*Planning commission.* The Maryland National Capital Park and Planning Commission.

*Public utility.* An organization franchised by the county or state government or authorized by law to install, operate and maintain facilities in public rights-of-way for the purpose of distribution of fuel or energy, for communication, or for distribution of a public water supply and collection and conveyance of sanitary sewage or storm water.

*Regional district.* The Maryland-Washington Regional District.

*Road.* Any road, lane, street, alley, highway, avenue, parking court, appurtenant structure, including but not limited to bridges, culverts, catch basins, storm water drainage facilities, sidewalks or any other construction in any public right-of-way, whether acquired by dedication or by public use. It shall not include any road under the jurisdiction of the federal government, state roads commission or the county.

*Sanitary commission.* The Washington Suburban Sanitary Commission.

*Sanitary district.* The Washington Suburban Sanitary District.

*SHA.* The State Highway Administration of Maryland.

*Standards and specifications.* Construction standards and specifications of the department of public works and transportation of the county adopted herewith and revised and amended from time to time by the city.

*Subdivision.* A duly recorded subdivision within the city, the subdivision by plat or deed of a piece of property into two (2) or more lots, plots, sites, tracts, parcels, or other land division.  
(Code 1971, § 18-1; Ord. No. 1032, 4-3-89; Ord. No. 1178, 2-22-99)

#### **Sec. 18-22. Grass on unpaved areas in the right-of-way.**

A thick stand of permanent grass shall be obtained on unpaved areas in rights-of-way by seeding or sodding. For seeded areas there shall be at least four (4) inches of topsoil. For sodded areas the sod shall be placed on at least three (3) inches of topsoil.  
(Code 1971, § 18-3)

#### **Sec. 18-23. Street signs; traffic-control signs and devices.**

(a) Street signs shall be erected at all intersections. These signs shall show the names of intersecting streets and be of durable metal construction. The type and location of street signs shall be approved by the city manager before they are erected.

(b) Traffic-control signs and devices. All traffic-control signs and devices shall comply with the design and installation standards established under the Maryland Manual on Uniform Traffic-Control Devices, and the type and location of all such signs shall be approved by the city manager.  
(Code 1971, § 18-4; Ord. No. 1032, 4-3-89)

#### **Sec. 18-24. Maintenance standards for other public roads.**

Maintenance standards for other public roads shall be established by the city manager after consideration of each individual case.  
(Code 1971, § 18-5)

#### **Sec. 18-25. Barricades.**

Barricades shall be erected of a design approved by the city manager where required to safeguard the public and shall have suitable reflectorized portions to be effective at night.  
(Code 1971, § 18-6)

#### **Sec. 18-26. Utility cuts.**

(a) No public utility or other person or organization shall cut into the surface of any road in the city road system until a permit for the same has been issued by the city manager and essential notice has been given

in writing to the city manager.

(b) The permittee shall notify the inspecting engineer at least seventy-two (72) hours prior to the commencement of any construction.

(c) In the case of an emergency cut, notice shall be given as soon as possible, but not more than forty-eight (48) hours after it is made.

(d) In case of any cut, the person or organization making it shall be responsible for a period of one year after written notice to the city manager for restoring the roadbase and surface in accordance with standards for repairing pavement openings as directed by the city manager.

(Code 1971, § 18-7; Ord. No. 1032, 4-3-89; Ord. No. 1178, 2-22-99)

### **Sec. 18-27. Driveway entrances.**

(a) Driveway entrances shall be placed across the parkway strip on all new construction in accordance with city standards, and in accordance with the following standards where they are not inconsistent with the regulations for off-street parking.

(b) Driveway entrances to residential properties shall be according to the standard driveway design.

(c) Driveway entrances to a commercial property shall be limited to two (2) on each street on which the property has frontage, except that driveway entrances shall not be permitted to a commercial property having frontage on a street if the property on the opposite side of the street is in a residential zone and the commercial property has access to another public street.

(d) The width of a driveway entrance to a commercial property shall not be less than thirty (30) feet or more than forty (40) feet at the curb line, exclusive of the curb return fillets.

(e) There shall be at least twenty-five (25) feet of parkway between driveway entrances serving commercial property, and no commercial driveway entrance shall be closer than twelve and one-half (12 1/2) feet to the next abutting property line nor closer than twenty-five (25) feet to the point of intersection of the curb lines at street intersection; but in no case shall any part of a commercial driveway entrance be located in the curb fillet at the street intersections.

(Code 1971, § 18-8; Ord. No. 957, 11-19-84)

### **Sec. 18-28. Special conditions.**

No attempt has been made to standardize any construction on rights of way other than those mentioned in this article. However, each problem shall be studied by the city manager as an individual case and solutions shall be given for the special conditions. This applies to bridges, culverts and other structures and their appurtenances, or such conditions encountered on or contiguous to the project.

(Code 1971, § 18-10)

### **Sec. 18-29. Compliance with requirements of city manager.**

(a) The person to whom a permit is issued pursuant to this article and his agents, servants and subcontractors shall comply with all written requirements of the city manager directed to the permittee, either before or during the course of construction, which are deemed necessary in the interest of public safety or for the avoidance of unnecessary inconvenience to the public during such construction.

(b) The permittee shall have the legal duty to provide for the following, whether or not included in the written requirements of the city manager:

- (1) Proper lighting and barricading of excavations or other hazards at all times;
- (2) Adequate access, including snow removal from the road to driveways and sidewalks abutting occupied residences;
- (3) Control of dust conditions, as directed by the inspector;
- (4) Correction of muddy or soft subgrade by placement of temporary gravel or stone thereon;
- (5) Prompt removal of any dirt and debris from streets in and adjacent to the work area during the construction period, as directed by the inspector;

(6) Other measures, as directed by the inspector, to ensure the public safety.

(Code 1971, § 18-14; Ord. No. 1032, 4-3-89)

### **Sec. 18-30. Responsibility for damages.**

The permit holder shall assume all responsibility for damages sustained to persons or property due to the carrying on of his work, and shall be responsible for all accidents to persons and property, saving the city harmless from all damages resulting from any accidents which may occur to the construction operations. The permittee is responsible for the repairs of damages prior to release of the performance bond. If the city is made a party to any action because of the granting of a permit to the permit holder, the permit holder shall be required to pay all costs and fees incurred by the city, including the legal fee of the city solicitor.

(Ord. No. 1032, 4-3-89)

**Editors Note:** Ord. No. 1032, adopted April 3, 1989, added new §§ 18-30 and 18-31, and renumbered former §§ 18-30 and 18-31 as §§ 18-32 and 18-33 herein.

### **Sec. 18-31. Sunday and holiday work.**

(a) No work will be permitted Sunday, except in cases of emergency, and then only to such extent as it absolutely necessary and with written permission of the city manager. The permit holder shall not be permitted to work on any days which are legal city holidays, unless granted permission by the city manager. If a permittee desires to work on any such legal holidays, permission shall be sought from the city manager in writing at least two (2) days in advance of such holiday. The request shall state the place where such work is to be conducted.

(b) Work hours. No work shall be performed after 6:00 p.m. or before 7:00 a.m. without prior written approval by the city manager.

(Ord. No. 1032, 4-3-89)

**Note:** See the editor's note following § 18-30.

**Sec. 18-32. Exceptions.**

(a) No exceptions to the provisions contained in this article may be granted other than those specifically stated in this article.

(b) Exceptions to the design and construction standards may be granted by the council.  
(Code 1971, § 18-11; Ord. No. 1032, 4-3-89)

**Sec. 18-33. Copies of article.**

Copies of this article prescribing the rules and regulations or the design and construction standards currently in effect shall at all times be available for inspection in the office of the city manager, and copies shall be for sale at cost.

(Code 1971, § 18-35; Ord. No. 1032, 4-3-89)

**Sec. 18-34. Violations and penalties.**

(a) The following shall be considered violations of this article:

- (1) Failure to obtain construction permit as required by this article;
- (2) Undertaking construction work without obtaining a construction permit as required by this article;
- (3) Knowingly submitting a false or incomplete permit application;
- (4) Failure to respond to a corrective order issued by a city inspector;
- (5) Construction which does not comply with an approved plan or permit;
- (6) Working on work days or during work hours prohibited by this chapter;
- (7) Working during the period of a stop work order; and
- (8) All other violations of provisions of this article.

(b) Violations of this article shall be considered a municipal infraction and are subject to a fine of one thousand dollars (\$1,000.00). Each day a violation continues is deemed a separate offense and is subject to an additional citation and fine.

(Ord. No. 1179, 3-22-99)

**Secs. 18-35--18-40. Reserved.**

**DIVISION 2.**

## PERMIT

### Sec. 18-41. Generally.

(a) No person shall undertake improvements upon or within a street right-of-way, or other public way without first obtaining a permit from the city manager. Such permit shall be nontransferable and it may be revoked if any provisions thereof, or of this chapter, are violated. Willful refusal of any permittee to stop construction after receiving notice of such revocation shall be deemed a violation of this chapter.

(b) No person or organization shall construct private right-of-way access driveways, sidewalks and parking compounds required by the county in relation to the construction of town house dwelling units under the applicable provisions of the Prince George's County Code without first obtaining a permit from the city manager. The requirements for construction and the conditions for issuing and revoking such permits shall be the same as the requirements and conditions set forth herein for the construction of improvements within the public right-of-way.

(c) Any person who undertakes improvements upon or within a street right-of-way, without a valid permit shall obtain a permit and correct or remove said work within thirty (30) days from the date of written notice of violation. Noncompliance on the part of the responsible person shall be a violation of this division and may result in correction or removal by the city and all costs shall be billed to the responsible person. Nonpayment of any cost incurred by the city shall result in a tax lien being placed against the affected property.

(d) The city manager shall have the unlimited authority to modify or amend any permit when it is determined that such changes are required to ensure the public safety or enforce the provisions of this chapter. (Code 1971, § 18-12; Ord. No. 906, 3-2-81; Ord. No. 1032, 4-3-89; Ord. No. 1178, 2-22-99)

### Sec. 18-42. Application.

Application for a permit required by this division shall be made on forms provided by the city manager and shall be accompanied by an itemized cost estimate prepared and signed by a professional engineer, and, when required by the city manager, be accompanied by special specifications peculiar to the scope of work covered by the permit and suitable tracings of detailed plans of the standard size of twenty-four (24) inches by thirty-six (36) inches showing:

- (1) Right-of-way, name of road, dimensions relative to location of adjacent properties, location map showing culture with present and proposed topography, north point, scale and existing coordinates and datum or other adequate survey control.
- (2) Paving plans showing curb and gutter, sidewalks, driveways, types of paving, location of present and proposed inlets with their gutter elevation and sufficient elevations at all street intersections on the curb, gutter and paving to assure adequate drainage of the intersection. Profiles of the curb and gutter at intersections may be required. Where it is necessary to reverse the pitch of the gutter to throw water away from the curb, the extent of the reversal shall be shown on the plans. Where the crown of the street is to be warped or elevated, that information shall be shown on the plans.



- (3) Catch basins, inlets, pipes, culverts and other drainage structures, with dimensions of each. Design data shall be required for all storm drainage.
- (4) Construction details with typical cross-sections of pavement.
- (5) Grading plan, profiles and cross sections.
- (6) Any additional data required by the city manager pertinent to the scope of the work covered by the permit.
- (7) Where application is made for minor maintenance work to be done on "other public roads," the type and number of plans shall be specified by the city manager.

Irrespective of this and the specifications accompanying the application for a permit under this article, the actual construction shall conform to these rules and regulations and to the minimum requirements for a road of its class.

Permits must be obtained within six (6) months of the application date.  
(Code 1971, § 18-13; Ord. No. 1032, 4-3-89)

**Sec. 18-43. Acquisition by the city or dedication of right-of-way required prior to issuance.**

No permit shall be issued for construction unless the right of way has been acquired by the city or has been dedicated to public use, and such acquisition or dedication has been duly recorded among the land records of the county.  
(Code 1971, § 18-15)

**Sec. 18-44. Application filing fee.**

(a) Applications shall be filed, complete or incomplete, prior to the review of any plans, cost estimates or other required information by the city together with an application filing fee. The amount of the application filing fee paid shall be applied as payment towards the permit fee as determined by section 18-48 when that fee is paid and, if permit is obtained, within six (6) months of the application date. If the filing fee paid exceeds the required permit fee, the permittee shall be refunded the difference. The amount of the application filing fee shall be according to the following:

- (1) For road and related construction subject to permit the estimated cost of which can reasonably be expected to exceed twenty-five thousand dollars (\$25,000.00) as determined by the city manager: One thousand dollars (\$1,000.00).
- (2) For road and related construction subject to permit the estimated cost of which can reasonably be expected not to exceed twenty-five thousand dollars (\$25,000.00) as determined by the city manager: One hundred dollars (\$100.00).
- (3) For road and related construction subject to minimum permit fee as determined by the city manager: Forty dollars (\$40.00).

(b) Any application fee paid shall not be refundable unless a determination is made by the city that the work proposed to be done does not require a city permit. In the event a permit is not obtained within the time required, and a permit is sought at a later time, a new application filing fee shall be required and the original filing fee paid shall not be applied toward the amount of the permit fee.  
(Ord. No. 1032, 4-3-89; Ord. No. 1086, 4-20-92)

**Editors Note:** Ord. No. 1032, adopted April 3, 1989, added a new § 18-44 and renumbered §§ 18-44--18-47 as §§ 18-45--18-48 herein. The ordinance also deleted former § 18-48 pertaining to securing of permit after approval of application and derived from Coded 1971, § 18-20.

#### **Sec. 18-45. Notice of approval for issuance.**

If after review of the application for a permit required by this division, it appears to the city manager that the proposed work conforms with requirements, he shall notify the applicant that his application has been "approved for issuance." The notice shall state the amount of permit fee and the amount of bond to be required.  
(Code 1971, § 18-16; Ord. No. 1032, 4-3-89)

**Note:** See the editor's note following § 18-44.

#### **Sec. 18-46. Approval of planning commission, sanitary commission or Prince George's County.**

If any design for anticipated work covered by the application for a permit required by this division requires approval by the planning commission, sanitary commission or Prince George's County, the city manager shall request such approval and obtain it before consenting to issuance of the permit.  
(Code 1971, § 18-17; Ord. No. 1032, 4-3-89)

**Note:** See the editor's note following § 18-44.

#### **Sec. 18-47. Notice of disapproval.**

If the application for a permit required by this article, as submitted, is not approved, the city manager will notify the applicant of the objections, so that the application may be amended.  
(Code 1971, § 18-18; Ord. No. 1032, 4-3-89)

**Note:** See the editor's note following § 18-44.

#### **Sec. 18-48. Fees.**

(a) The fee for issuance of a permit for road improvements shall be based on the estimated cost of the work as approved by the city manager, excluding any estimate for contingency, and the cost to the city for the review and approval of plans, according to the following:

- (1) Estimated cost of work up to and including fifty thousand dollars (\$50,000.00): Eleven (11) percent of estimated cost of work, plus cost to the city for review and approval of plans.
- (2) Estimated cost of work from fifty thousand and one dollars (\$50,001.00) to two hundred fifty thousand dollars (\$250,000.00): Nine and one-half (9 1/2) percent of estimated cost of work, but not less than five thousand dollars (\$5,000.00), plus cost to the city for review and approval of plans.

(3) Estimated cost of work equal to or greater than two hundred fifty thousand dollars (\$250,000.00): Eight (8) percent of estimated cost of work, but not less than twenty-one thousand two hundred fifty dollars (\$21,250.00), plus cost to the city for review and approval of plans.

(b) In the case of individual permits for the repair or replacement of single-family residential driveway aprons, the minimum permit fee will be imposed.

(c) In the case of utility construction by a public utility or other person or organization not included as part of another construction permit, the permit fee shall be five cents (\$0.05) per lineal foot for all underground lines, but in no case will the fee be less than one hundred dollars (\$100.00).

(Code 1971, § 18-19; Ord. No. 1032, 4-3-89; Ord. No. 1085, 4-20-92; Ord. No. 1143, 2-12-96; Ord. No. 1178, 2-22-99; Ord. No. 1259, 8-8-05)

**Note:** See the editor's note following § 18-44.

### **Sec. 18-49. When work to commence; expiration; extension.**

(a) When a permit has been issued, work thereunder shall be commenced within sixty (60) days, and thereafter be continued to conclusion of all work covered. Failure of the permittee to commence work within sixty (60) days may result in revocation of the permit and forfeiture of the filing fee plus ten (10) percent of the remaining permit fees. Permits shall automatically expire two (2) years after issuance. Upon written request by the permit holder, the city manager may extend a permit for a one-year period. A fee for the extension of the permit equaling twenty-five (25) percent of the original permit fee shall be charged for each one-year permit extension.

(b) No work will be allowed on an expired permit, until an extension has been granted. No extension shall be granted unless the bond filed with the permit by its terms continues in full force and effect, or a new bond is filed.

(Code 1971, § 18-21; Ord. No. 1032, 4-3-89; Ord. No. 1178, 2-22-99)

### **Sec. 18-50. Alternate or additional standards and specifications.**

Upon a finding by the city manager that the standards and specifications are not feasible or practicable for a particular project, the city manager may require such alternate or additional standards and specifications in accordance with good engineering principles as may be deemed necessary, and such alternate or additional requirements shall be part of and a condition of the permit required by this article.

(Code 1971, § 18-24; Ord. No. 1178, 2-22-99)

**Editors Note:** Ord. No. 1178, adopted Feb. 2, 1999, repealed § 18-50, which had pertained to posting of permit number, and derived from § 18-23 of the 1971 Code. Said ordinance further renumbered § 18-51 as § 18-50.

### **Secs. 18-51--18-60. Reserved.**

## **DIVISION 3.**

### **BOND**

### **Sec. 18-61. Generally.**

(a) No permit for the construction of a road shall be issued until the applicant, as principal, has posted bond, either cash or with an approved corporate surety, or an acceptable assignment of funds in favor of the city conditioned as follows:

- (1) The permittee, his agents and servants will comply with all the applicable terms, conditions, provisions, requirements, standards and specifications of this article.
- (2) The permittee, his agents and servants will faithfully complete the work for which the permit is issued.
- (3) The permittee, his agents and servants will save harmless the city from any expense incurred through the failure of the permittee, his agents and servants, to complete the work as required by this chapter, or from any damages growing out of the negligence of the permittee, or his agents or servants.

(b) Where the estimated cost of the work is less than twenty-five hundred dollars (\$2,500.00) the city manager may waive the bond.

(c) The permittee shall provide written verification on the anniversary date of every bond or surety posted pursuant to the requirements of this chapter, from the surety or bonding company, that such bonds and/or sureties remain in full force and effect, and that all required premiums have been paid by the permittee and are current.

(d) Failure to post or maintain bonds or sureties required by this chapter, until notice to release the bond or surety has been authorized by the city, shall be a municipal infraction and is subject to a fine of one thousand dollars (\$1000.00). Each day that the violation continues shall be considered a separate violation. (Code 1971, §§ 18-25--18-32; Ord. No. 1198, 9-11-00)

#### **Sec. 18-62. Performance bond.**

A cash or corporate bond equal to the total cost of the project, as approved by the city manager, including an additional twenty-five (25) percent of the cost for contingencies, shall be furnished by the applicant conditioned upon the satisfactory completion of all work covered by the permit required by this article. Upon acceptance by the city of the work covered by the permit, the city manager shall certify such performance bond as being discharged.

(Code 1971, § 18-26; Ord. No. 1032, 4-3-89)

#### **Sec. 18-63. Maintenance bond.**

A maintenance bond which guarantees for a period of one (1) year to indemnify against defective workmanship or materials the work covered by the permit required by this article at time of acceptance by the city shall be furnished in the amount of five (5) percent of the total cost of the project. Upon expiration of a period of one (1) year after acceptance of work and correction of any defects arising during such period, the city manager shall certify that the bond is discharged. The maintenance bond must remain in full force until the written issuance of bond release by the city manager.

(Code 1971, § 18-27; Ord. No. 1178, 2-22-99)

**Sec. 18-64. Composite bond.**

In lieu of the performance and maintenance bonds required in this division, a composite corporate or cash bond may be furnished which will stipulate termination of performance bond requisites and initiation of maintenance bond requisites upon the date of acceptance by the city of work covered by the permit required by this article.

(Code 1971, § 18-28)

**Sec. 18-65. Labor and materialsmen's bond.**

A labor and materialsmen's bond in the amount of fifty (50) percent of the estimated amount of work indemnifying the city against all claims from persons supplying labor and material in the prosecution of the work defined in the permit is required before issuance of a permit required by this article. This bond shall not be required when the permittee has posted cash bond or made an acceptable assignment of funds. The release of labor and materialsmen's bond shall be governed by provisions of applicable state law.

(Code 1971, § 18-29; Ord. No. 1032, 4-3-89)

**Sec. 18-66. Approval; release.**

Before acceptance, all bonds required by this division shall be approved by the city manager and the city solicitor. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the state. If a cash bond is offered, it shall be deposited with the city treasurer who shall give his official receipt therefor, stipulating that the cash has been deposited in compliance with, and subject to the provisions of this section. All cash and corporate bonds, except grading bonds, covering construction filed under this division shall be released upon, but not before, acceptance of the completed road by the city in accordance with this article.

(Code 1971, § 18-30)

**Sec. 18-67. Cash deposit in lieu of bond.**

In lieu of filing a cash or corporate bond as required by this division, any person may enter into an agreement with the city manager, such agreement to be approved by resolution of the city, providing that the permittee shall deposit with the city treasurer such sum of money as is estimated by the city manager to be the total cost of the project. The agreement shall itemize the several phases of the work or construction. Upon completion of each step or phase, the permittee shall notify the city manager that he is ready for an inspection. The city treasurer is hereby authorized to refund to the permittee any installment due under the terms of the agreement upon receipt of a certificate, signed by the city manager, certifying that the work has been performed by the permittee according to standards, specifications and minimum requirements of this article, including any exception granted pursuant to this article, and that the permittee is entitled to the installment due for completion of such work. The certificate shall also be signed by the permittee, certifying that an inspection has been made by a named inspector for the particular step or phase of work or construction involved for which the installment is due. Upon final completion of all work for which the permit is issued, a final certificate shall be issued and, upon acceptance of the road by the city, the final payment shall be made to the permittee. The final draw of payment under the terms of the agreement shall in no event be less than fifteen (15) percent of the total cost of

the project.  
(Code 1971, § 18-31)

**Secs. 18-68--18-75. Reserved.**

#### **DIVISION 4.**

### **DESIGN AND CONSTRUCTION STANDARDS**

#### **Part A.**

#### **General Provisions**

**Sec. 18-76. Compliance with division and design and construction standards prescribed by council.**

All construction shall conform to the requirements of this division for the class of construction concerned and to such additional design and construction standards as may be prescribed by the order of the council upon the recommendation of the city manager.

(Code 1971, § 18-33; Ord. No. 962, 1-28-85)

**Sec. 18-77. Compliance with county standards.**

Except as otherwise provided in this article or by design and construction standards prescribed by the council, all work for which a permit is required by this article shall comply with the *General Specifications and Standards for Highway and Street Construction* as published by the county.

(Ord. No. 962, 1-28-85)

**Sec. 18-78. Stormwater drainage system.**

(a) The construction of an adequate stormwater drainage system or facilities shall be required in all cases. Stormwater drainage systems shall be designed in accordance with the standards and requirements of Prince George's County Department of Environmental Resources, watershed protection branch, and/or the Maryland Department of the Environment, stormwater management administration.

(b) Where a preliminary drainage study indicates that a minimum right-of-way width as herein established is inadequate for proper drainage of a particular road, the city manager may require additional right-of-way as is found necessary for such drainage purposes.

(c) No lots or area where natural drainage is affected shall be built upon or developed by filling in land or obstructing the drainage without first having constructed an adequate storm drain approved by the city manager.

(Code 1971, § 18-36; Ord. No. 1032, 4-3-89; Ord. No. 1178, 2-22-99)

**Sec. 18-79. Waiver of sidewalk requirement.**

The council may waive sidewalk requirements where an inner system of sidewalks on private property

are provided to adequately serve the public, or, in single family residential areas where the majority of the individual lots abutting on a road have frontage of one hundred (100) feet, or more, and are twenty thousand (20,000) square feet or over in area.

(Code 1971, § 18-37)

#### **Sec. 18-80. Partial street construction.**

(a) No partial street construction shall be permitted in any dedicated public right-of-way where there is sufficient width to construct a full street in accordance with city standards.

(b) Where there is insufficient right-of-way to construct a full street, a partial street of a minimum width of twenty (20) feet of finished paving may be constructed; provided, that protective shoulders or temporary curbing and adequate drainage are installed in accordance with such requirements as the city manager may deem necessary.

(c) Roads of less than the minimum required width may be constructed upon dedicated portions of right-of-way established prior to October 17, 1960; provided, that the same shall first be approved by the city manager.

(Code 1971, § 18-38)

#### **Sec. 18-81. Connecting road.**

No street, at a distance from a city maintained road or a road maintained by any other public agency, shall be improved and accepted by the council unless a connecting road to the existing road be improved as required by the city manager.

(Code 1971, § 18-39)

#### **Sec. 18-82. Intersections.**

(a) Where any road construction ends at an intersection of an existing or dedicated road, the intersection shall be completed, and if there are no such existing or dedicated roads, then temporary turnarounds or backarounds in accordance with approved standards shall be provided as directed.

(b) All intersections of streets shall have the pavement, curb and gutter and sidewalk carried to the rear lot line of the property, including the full width of an adjoining alley. Proper returns shall also be made for all driveways and alleys. Where the road construction ends at an intersection of an existing or dedicated road, the intersection shall be completely constructed.

(Code 1971, § 18-40)

#### **Sec. 18-83. Grades.**

Only such grades shall be used as meet the approval of the city manager, and no grade shall be less than one (1) percent nor more than ten (10) percent except under unusual conditions.

(Code 1971, § 18-41)

#### **Sec. 18-84. Sediment control.**

Sediment control plans shall be approved by the Prince George's Soil Conservation District prior to the issuance of a permit. All such plans and construction shall be in accordance with all requirements, regulations and standards of the Maryland Department of the Environment and the Prince George's County Soil Conservation District. In addition, the design and construction standards for sediment control of the department of public works of the county, adopted herewith, and revised and amended from time to time by the city council, subject to the approval of the Maryland Department of the Environment, shall apply. The city manager shall assure that all approved sediment control measures are properly undertaken and adequately inspected and that all sediment control requirements are enforced.

(Code 1971, § 18-41A; Ord. No. 1032, 4-3-89; Ord. No. 1178, 2-22-99)

**Sec. 18-84.1. Stormwater management.**

A stormwater management design plan approved by Prince George's County shall be submitted prior to the issuance of any city permit for which such a plan is required under the stormwater management provisions of the Prince George's County Code or the regulations of the Maryland Department of the Environment. The city manager shall assure that all approved and required stormwater management facilities are properly undertaken and adequately inspected, and that all stormwater management requirements are enforced.

(Ord. No. 955, 7-31-84; Ord. No. 1032, 4-3-89; Ord. No. 1178, 2-22-99)

**Editors Note:** Ord. No. 955, adopted July 31, 1984, added § 18-41B to Ch. 18, which section the editors have redesignated § 18-84.1, at their discretion.

**Sec. 18-85. Alignment.**

The alignment of streets shall be that of the center line of the dedicated public right-of-way, whenever possible, or as directed by the city manager.

(Code 1971, § 18-42)

**Sec. 18-86. Widths.**

Roads shall conform to the requirements of widths, curb and gutter, and sidewalks as shown on the following tabulation:

Class	Right-of- Way	Park Way (ft.)	Road Way (ft.)	Median Strip Curb (ft.)	Curb and Gutter (ft.)	Sidewalk (ft.)
Secondary						
Residential	50'*	2--7	1--36		Yes	Yes
Secondary						
Residential	50'	2--12	1--26		Yes	Yes
Primary						
Residential	60'	2--12	1--40**		Yes	Yes
Primary						
Residential	80'	2--12	2--24	1--8	Yes	Yes



Major						
Highway	120'	2--12	2--36	1--24	Yes	Yes
Commercial and Industrial	70'	2--12	1--46		Yes	Yes
Commercial and Industrial	80'	2--14	1--52		Yes	Yes

\*Applies to existing fifty-foot dedications in multiple housing developments.

\*\*Primary residential class streets located in multiple-family zoned developments shall have a minimum single roadway width of forty (40) feet, unless waived by the council upon its determination that sufficient off-street parking facilities will be provided to restrict on-street parking to one side of the street only, in which case the minimum single roadway width shall be thirty-six (36) feet.

(Code 1971, § 18-43)

**Sec. 18-87. Planting of trees.**

The developer shall be required to plant trees within the limits of the area for which a permit is issued pursuant to this article. Planting shall conform to the approved standards of the city.

(Code 1971, § 18-52A)

**Sec. 18-88. Street lights.**

(a) The developer shall provide and install lamp posts and luminaries ready for service within the area for which a permit is issued pursuant to this article when underground electrical distribution service is being provided.

(b) Lamp posts and luminaries shall be provided in sufficient quantity to provide adequate illumination in accordance with light level standards established by the Illuminating Engineering Society and approved by the American Standards Association and the "General Specifications and Standards for Highway and Street Construction," for the city, as amended from time to time.

(c) Plans showing the location, size, spacing and type of lamp posts and luminaries shall be drawn to scale and submitted to the city manager for review and approval. The developer shall exercise special care to ensure that sufficient illumination is provided consistent with tree planting requirements.

(d) Close coordination between the developer and the electrical utility company providing service will be required. Such coordination shall be the responsibility of the developer.

(e) Approval and acceptance of street lights and luminaries provided and installed by the developer shall be in accordance with Section 18-120.

(Code 1971, § 18-52B)

**Sec. 18-89. Grading.**

All streets to be constructed shall include grading to the full width of the right-of-way.  
(Code 1971, § 18-53)

**Sec. 18-90. Earthwork.**

Earthwork shall include clearing and grubbing, the removal and replacement of all unsuitable material and the proper preparation of sub-grade.  
(Code 1971, § 18-54)

**Sec. 18-91. Underdrains.**

Where necessary, adequate underdrains shall be installed as directed by the city manager.  
(Code 1971, § 18-55)

**Sec. 18-92. Utilities.**

No work on street pavement shall be started until all underground utilities have been installed and the city manager notified in writing.  
(Code 1971, § 18-56)

**Sec. 18-93. Outlots.**

The pavement, curb and gutter, sidewalks and storm drainages shall be carried through the limit of all outlots.  
(Code 1971, § 18-57)

**Sec. 18-94. Landscape warranty and maintenance.**

(1) This section shall apply to landscape improvements made within city owned or maintained rights-of-way, easements, and property. All work and material shall generally be in accordance with the American Association of Nurserymen's Standards and such landscape specifications as may be prescribed by the city manager.

(2) All planting materials, including trees, shrubs, sod or seeding, and ground cover, provided under a city permit shall be subject to the following inspection, maintenance, and warranty requirements:

a. Maintenance after release of performance bond:

1. During the one-year maintenance period, settled plants shall be reset to proper grade and position, dead material removed, and guys tightened or repaired within a reasonable time, as directed by the inspecting engineer.
2. The permit holder is responsible for all required watering maintenance.
3. Prior to release of maintenance bond, all dead or unsatisfactory materials shall be

removed and replaced.

4. Any material that is twenty-five (25) percent dead (or more) shall be considered dead and must be replaced. A tree shall be considered dead when the main leader has died back, or more than twenty-five (25) percent of the crown has died back.
5. The maintenance bond shall not be released until all corrective work required as a result of the final inspection is completed or otherwise guaranteed.

b. Replacements:

1. Replacement of rejected landscape material shall be made during the next planting period. If replacement is not made during the recommended or standard planting period, an extended warranty of one year shall be provided.
2. Replacements will be of the same types, species, and sizes as the original materials.
3. All replacements shall be made under city inspection.

(Ord. No. 1032, 4-3-89)

**Editors Note:** Ord. No. 1032, adopted April 3, 1989, added a new § 18-94 and renumbered former § 18-94 as § 18-95 herein.

**Sec. 18-95. Materials.**

All materials used in construction shall conform in every detail to city standards and specifications or as approved and accepted by the city manager.

(Code 1971, § 18-58; Ord. No. 1032, 4-3-89)

**Note:** See the editor's note following § 18-94.

**Secs. 18-96--18-100. Reserved.**

**Part B.**

**Design Standards**

**Sec. 18-101. Generally.**

(a) Streets shall be so designed and constructed that they meet the requirements of the city. The pavement designs for the several streets are based on a subgrade bearing value of twenty (20) pounds to the square inch to cause an absolute deflection of 0.1" on soils having a California Bearing Ratio of 10 plus or soils meeting the Public Roads Administration classifications of A-1, A-2, friable or A-3. If the soil within the limits of construction does not meet this classification, unsuitable material shall be removed and suitable subbase added to the depth directed by the city manager.

(b) The design standards contained in subsequent sections of this part are alternative design standards which shall apply except that Portland cement concrete shall be used on such sections of streets that have a grade of 0.5 percent or less. Any alternative design standards other than those in this part or those specified in Section 18-77 must have been approved by the city manager.

(Code 1971, § 18-44)

**Sec. 18-102. Secondary residential streets.**

The following alternate designs for secondary residential streets shall be in accordance with standard city details:

- (1) Seven-inch/five-and-one-half-inch/seven-inch Portland cement concrete pavement.
- (2) Six-inch uniform thickness Portland cement concrete pavement.
- (3) Four-inch binder course of bank-run gravel bituminous concrete and two-inch surface course of crushed stone bituminous concrete.

(Code 1971, § 18-45)

**Sec. 18-103. Primary residential streets, service lanes and dual lane roadways.**

The following alternate designs for primary residential streets, service lanes and dual lane roadways shall be in compliance with standard city details:

- (1) Eight-inch/five-and-three-fourths-inch/eight-inch Portland cement concrete pavement.
- (2) Seven-inch uniform thickness Portland cement concrete pavement.
- (3) Four-inch stabilized base of approved bank-run gravel, four-inch binder course bank-run gravel bituminous concrete and two-inch surface of crushed stone bituminous concrete.

(Code 1971, § 18-46)

**Sec. 18-104. Commercial streets.**

The following alternate designs for commercial streets shall be in compliance with standard city details:

- (1) Nine-inch/six-and-one-half-inch/nine-inch Portland cement concrete pavement.
- (2) Seven-and-one-half-inch uniform thickness Portland cement concrete pavement.
- (3) Six-inch uniform thickness Portland cement concrete base with a two-inch bituminous concrete surface using crushed stone or slag as the coarse aggregate.
- (4) Six-inch compacted base of bank-run gravel, four-inch binder course of bank-run gravel bituminous concrete two-inch bituminous surface using crushed stone for the coarse aggregate.

(Code 1971, § 18-47)

**Sec. 18-105. Industrial streets.**

The following alternate designs for industrial streets shall be in compliance with standard city details:

- (1) Ten-inch/seven-inch/ten-inch Portland cement concrete pavement.
- (2) Eight-inch uniform thickness Portland cement concrete pavement.
- (3) Seven-inch uniform thickness Portland cement concrete base with two-inch bituminous concrete surface using crushed stone or slag for the coarse aggregate.
- (4) Six-inch compacted gravel base course, four-inch binder course of bank-run gravel bituminous concrete surface with three inches of bituminous concrete with crushed stone for the coarse aggregate, placed in two (2) one and one-half inch courses.

(Code 1971, § 18-48)

#### **Sec. 18-106. Rural roads.**

The following design for rural roads shall be in accordance with standard city details:

- (1) In fifty-and-sixty-foot dedications where abutting lots are twenty thousand square feet or over in area, the minimum design shall require an eight-inch stabilized base of bank-run gravel surface with two and one half (2 1/2) inches of bituminous concrete with crushed stone for the coarse aggregate.
- (2) The council, in its discretion, may permit roads in rural areas of lengths less than seven hundred fifty (750) lineal feet to be constructed without bituminous surfacing, but they will not be accepted into the city road system for perpetual maintenance until they have been surfaced to the requirements of paragraph (1) of this section at the expense of the adjacent property owners.

(Code 1971, § 18-49)

#### **Sec. 18-107. Curb and gutter.**

(a) Combination Portland cement concrete curb and gutter is required on all street construction except as is provided in section 18-79.

(b) Combination concrete curb and gutter (Standard #1) shall be used on all street construction, including all service lanes, curb returns, traffic islands and median strips.

(Code 1971, § 18-50; Ord. No. 1032, 4-3-89)

#### **Sec. 18-108. Concrete sidewalks generally.**

Concrete sidewalks are required on all street construction, except as specifically provided in section 18-79.

(Code 1971, § 18-51)

#### **Sec. 18-109. Alleys.**

The alleys shall be paved to the full width of the right of way with Portland cement concrete to a

minimum of six (6) inches having an inverted crown.  
(Code 1971, § 18-52)

**Secs. 18-110--18-115. Reserved.**

**DIVISION 5.**

**INSPECTION, APPROVAL AND ACCEPTANCE**

**Sec. 18-116. Inspection services.**

Inspection services will be maintained at all times by the city manager to assure compliance with the permit required by this article. Inspections shall be made by one or more inspecting engineers as designated by the city manager.

(Code 1971, § 18-59; Ord. No. 1032, 4-3-89)

**Sec. 18-117. Notification of inspecting engineer prior to commencing construction.**

The holder of a permit shall notify the inspecting engineer at least seventy-two (72) hours before commencement of any construction thereunder, and in the event that there is an interruption of the work for a period of more than five (5) days, then the permittee shall notify the inspecting engineer at the end of each interruption of his intent to actively resume operations.

(Code 1971, § 18-60; Ord. No. 1032, 4-3-89)

**Sec. 18-118. Inspection and approval of subgrade.**

No paving, curb, gutter or sidewalk construction shall be started unless there has been a final inspection and approval of the subgrade by the inspecting engineer. The inspecting engineer may require certification of subgrade by an approved independent testing lab prior to approval of subgrade. At the direction of the inspecting engineer, the permit holder will provide the city with a certification by a registered engineer or land surveyor that all street grades comply with the design established grades.

(Code 1971, § 18-61; Ord. No. 1032, 4-3-89)

**Sec. 18-119. Inspection of plans, etc.**

The construction work, material, plans and specifications for work for which a permit is required by this article shall at all times be open to and available for inspection by duly authorized officials and employees of the city.

(Code 1971, § 18-62)

**Sec. 18-120. Final approval and acceptance.**

(a) Final approval of construction work under any permit shall be given by the city manager after a field inspection shows to his satisfaction that the work conforms in all respects with the permit and includes all work required thereby.

(b) Final approval shall be certified to the council by the city manager and no application for acceptance into the city road system shall be necessary, and the city manager's certification to the council of final approval of the work shall constitute a recommendation for acceptance. Actual acceptance into the city road system for perpetual maintenance shall be only by order of the council in each individual case.

(c) Final approval of a part, less than all, of the work covered by a permit required by this article may be requested, and given, and such approved part may be accepted by the council, but no bond shall be released before all work called for by the permit is completed.

(d) When permit work covers improvements within a public right-of-way previously accepted for maintenance, the city manager is authorized to certify final approval and authorize the release of appropriate construction bonds.

(Code 1971, § 18-63; Ord. No. 1178, 2-22-99)

**Sec. 18-121. Service fee for missed inspection.**

If a contractor schedules a city inspection and fails to appear at the designated time or does not have the site ready for inspection, the city manager shall impose upon the contractor a service fee of one hundred twenty-five dollars (\$125.00). Any service fee imposed shall be paid prior to the city releasing performance or maintenance bonds.

(Ord. No. 1032, 4-3-89)