

ARTICLE 17
STREETS AND SIDEWALKS

Section 17.1 Road Construction Code

The following standards apply to the construction of any new road or street (collectively “road”) or the improvement of an existing road by a private party in connection with a subdivision or resubdivision of land within the Town of Glen Echo.

A. Where a new road is required as part of the subdivision or resubdivision, such new road shall have a right-of-way of at least fifty (50) feet in width.

1. Any dedication necessary to meet this width shall be comprised of property dedicated to the Town of Glen Echo from the property that was the subject of the subdivision or resubdivision.

2. In the right-of-way there shall be at least two (2) paved travel lanes, each ten (10) feet wide, and one (1) paved parking lane, eight (8) feet wide, provided by the subdivider or resubdivider in accordance with the construction standards of the Montgomery County Road Design and Construction Code, Chapter 49, Article 3 and regulations thereunder.

3. If the Town of Glen Echo Council determines it is necessary at a given location, additional pavement width may be required, such as for another parking lane, or additional improvements for safe accommodation of cars, trucks, emergency vehicles and pedestrian safety.

B. Where the subdivision or resubdivision fronts an existing road:

1. The subdivider or resubdivider shall dedicate to the Town of Glen Echo from the property that was the subject of the subdivision or resubdivision sufficient property such that the right-of-way shall have at least two (2) paved travel lanes, each ten (10) feet wide, and one (1) paved parking lane, eight (8) feet wide, in accordance with the construction standards of the Montgomery County Road Design and Construction Code, Chapter 49, Article 3 and regulations thereunder.

2. The property line of the subdivided or resubdivided property fronting the existing street shall, after all necessary dedication, be not less than twenty-five (25) feet from the center line of the new right-of-way.

3. In no event shall the dedicated property and its paved area be less than that necessary for the right-of-way properly to accommodate fire trucks or other emergency vehicles prior to the issuance of any building permit for construction on the subdivided or resubdivided property.

4. If the Town of Glen Echo Council determines it is necessary at a given location, additional pavement width may be required such, as for another parking lane, or

additional improvements for safe accommodation of cars, trucks, emergency vehicles and pedestrian safety.

C. As part of any dedication for the right-of-way for a new road or for the improvement of an existing road, the subdivider or resubdivider shall be responsible for providing in that right-of-way any necessary paved travel and parking lanes or widening thereof, curbs, gutters, appurtenant drainage facilities, sidewalks and street trees, consistent with the applicable construction standards set forth in the Montgomery County Road Design and Construction Code, Chapter 49, Article 3, as amended, and regulations thereunder, and in Chapter 50-3(c)(1) of the Montgomery County Code, as amended.

D. The requirements of this section relating to the improvement of an existing road are applicable to property which is to be subdivided or resubdivided provided:

1. such property after dedication would accommodate at least two buildable lots; and

2. (a) the frontage on the existing road of property to be subdivided or resubdivided comprises the entire frontage between roads that intersect with the existing road on the same side of the road as the property;

(b) the intersecting roads on the opposite side of the road from the property terminate at the existing road; or

(c) the entire frontage is between such an intersecting road and the end of the existing road by cul-de-sac or otherwise.

E. The Town of Glen Echo Council may waive any requirement of this section upon a finding, after a public hearing, that the requirement would deprive the subdivider or resubdivider of all reasonable use of the property.

(Ordinance No. 11-01, effective 9/7/11; Ord. No. 14-01, effective 6/30/14; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.2 Permit Required

A. Work. Requiring Permit.

1. It shall be unlawful for any person to begin to construct, reconstruct, install, repair, alter, dig up, cut, break, destroy, or grade any streets, sidewalks, curb, curb-cut driveway, pavement, culvert or drain pipe, ditch, traffic control sign or marking, streetlight, utility pole, or other structure or facility within a public right-of-way or other public place of the Town without obtaining a permit from the Town of Glen Echo. All permits to perform work in public places shall be authorized by a majority vote of the Town Council and shall be issued by the Town Clerk upon notification of such authorization by the Mayor. Photographic proof of the condition of

existing streets, sidewalks and/or curbs shall be provided to the Town Clerk prior to the beginning of construction. Based on the Town Council's review of the scope of the work, the Town Council may require the execution of a license to use the right-of-way, or other instrument, in a form approved by the Town Council.

2. Curb Cuts and Driveway Aprons

- (a) Curb cuts. There shall be no more than one curb cut on any lot.
- (b) Driveway Aprons.

(1) Width. No driveway apron shall exceed twelve (12) feet in width. At the curb cut, a driveway apron may have an additional turning radius of five (5) feet in width on each side, for a total width of twenty-two (22) feet. Driveway width includes the width of any adjoining or adjacent surface.

(2) Construction standards. The Council shall grant a permit to construct or expand a curb cut, driveway, or driveway apron only if the proposed construction would comply with this Article and not negatively impact the character of the Town or interfere with the public health, safety, or welfare, as may be determined by the Council. In making such determination, the Council may consider the following:

- (i) Location of trees, hedges, berms, and shrubbery or other plant growth;
- (ii) Location of fences, walls, or other structures;
- (iii) Location of public utilities;
- (iv) Location of public and private improvements in the public right-of-way;
- (v) Possible obstruction of pedestrian and/or motorist visibility
- (vi) Compliance with applicable County design standards, acceptable to the Town Council; and
- (vii) Other factors as may be determined by the Council to be necessary to protect the public health, safety, or welfare.

(3) Initial construction. The applicant shall be responsible for all costs associated with initial construction and/or expansion of a curb cut or driveway apron.

(4) Maintenance. The Town shall maintain and repair lawfully-constructed curb cuts, driveway aprons, and public sidewalks located within a public right-of-way as necessary to address wear and tear from ordinary use, unless such maintenance or repair is necessitated by the actions of the property owner or the property owner's tenants, guests, or invitees. The use of a driveway apron by trucks or construction equipment shall not be considered ordinary use. Notwithstanding the foregoing, the Town shall not be obligated to maintain and repair any such curb cuts or driveway aprons that include betterments, or alternative materials, installed by property owners. Such betterments, or alternative materials, shall not be installed by property

owners without the permission of the Council. If, however, an owner wants to abandon a betterment, or alternative materials, and have the construction revert to standard construction, the Town may replace the curb cut or driveway apron in a manner consistent with Town standards, at such time as replacement is required, as determined by the Council.

(5) Removal. In the event a curb cut or driveway apron is removed, the property owner previously served by the curb cut or driveway apron shall restore the public right-of-way by installing a curb, sidewalk, grass or other ground cover and plantings consistent with the adjacent area as determined by the Council.

(6) Notwithstanding the above, curb cuts and driveway aprons exceeding the permissible width and existing before April 29, 2018 may be repaired or replaced in the same location and with the same dimensions.

(c) Waiver. The Town Council may waive the requirements of subsection (b) on a finding, after a public hearing, that the regulation would create an unusual practical difficulty or undue hardship, based on an extraordinary condition of the subject property.

B. Permit Fee; Performance Bond. The fee for a street and sidewalk permit under this Section shall be in the amount set forth on a fee schedule approved by the Town Council from time to time, except that there shall be no fee for a street and sidewalk permit if the applicant files an application for such permit in connection with an application for a building permit under Article 3, Section 3.1 of this Code for which an application fee is paid. The Town Council, in its discretion, may require as a precondition to issuance of a permit a liability insurance policy, naming the Town as an additional insured, and the posting of a bond or other security in a form and amount satisfactory to the Mayor (which amount shall not exceed twice the estimated cost of construction or repair of damage caused to Town of Glen Echo property and/or public rights-of-way, and improvements thereon), to be applied toward the cost of construction or repair of damage caused to Town of Glen Echo property and/or public rights-of-way, and improvements thereon.

1. Permit Fee for Connection to Natural Gas Line. No connection from a gas main in, on, or under a street or right-of-way in the Town to a private property shall be constructed or installed without a permit. The fee for this permit shall be in the amount set forth on a fee schedule approved by the Town Council from time to time. An application for a permit shall be made by the property owner or his or her agent on the application form provided by the Town.

C. Enforcement and Penalties.

1. Violation of any requirement of this Article shall constitute a municipal infraction. Any person, including an owner of property, any authorized or unauthorized agent, any contractor for such owner, and any person performing work on or about the owner's property, that violates a provision of this Article shall be subject to a fine of Five Hundred Dollars (\$500.00) for each violation.

2. Any person violating any of the provisions of this Article shall additionally be subject to the penalties and remedies stipulated under Article 21.

D. Misdemeanor. It shall be a misdemeanor, subject to the provisions of Article 21 of this Code, to commit any act in violation of this Article with respect to any structure for which a street and sidewalk permit was sought and denied; to commit any act in violation of this Article with respect to any structure for which a street and sidewalk permit is pending; to fail to comply with any condition of a permit or a stop work order issued by the Town; and, to commit any other violation of this Article with actual knowledge that such act violates this Article.

(Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18; Ord. No. 19-04, effective 6/30/19)

Section 17.3 Accumulations of Earth, Soil, or Foreign Materials on Streets and Other Public Space Prohibited

Any person who by his action or the action of his agents, servants, or employees, causes or permits earth, soil, mud or other foreign material to be deposited in any sidewalk or parking area, or to be deposited in any drain or ditch designated to carry surface water from or within any public place, whether such material is spilled, dropped, placed, washed or tracked from the wheels of vehicles, shall remove immediately from such public place, drain, or ditch all materials so deposited.

Any person owning or occupying land contiguous to any public place in the Town, including any public street, sidewalk or parking area or contiguous to any drain or ditch designed to carry surface water from or within any public place, who knows or should be aware that earth, soil, mud or any other foreign material has been spilled, dropped, washed or tracked from such land onto such public place, or into such drain or ditch, shall remove immediately from such public place, drain or ditch the material so deposited. Any such person shall, in addition, be responsible for promptly correcting the condition(s) on his property that caused, contributed to or made possible the depositing of earth, soil, mud or any other foreign material on the public place, drain or ditch of the Town.

(Ord. No. 16-02, effective 1/30/17)

Section 17.4 Connection with Sewer and Water Mains

Connections with sanitary sewer mains and water mains in the streets or other public place of the Town shall be made under the supervision and direction of the Washington Suburban Sanitary Commission.

(Ord. No. 16-02, effective 1/30/17)

Section 17.5 Obstruction in Public Place

A. It shall be unlawful to permit any gate to swing across a sidewalk or other public way so as to in any way cause an obstruction or menace to any passerby or to the passage of any motor vehicle.

B. It shall be unlawful for any person to place or allow any obstruction to remain upon any street, sidewalk, or other public way of the Town. Play or sporting equipment, and wheeled play devices such as bicycles, scooters and roller skates are obstacles under the intent of this section.

C. All lots abutting sidewalks above the grade of the street and/or sidewalk shall be kept in suitable ground cover, at all times.

(Ord. No. 94-01; effective 12/30/94; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.6 Obstruction of Streets

In addition to requirements contained elsewhere in this Article, it shall be unlawful for any person, other than the Town, to obstruct or close any street, sidewalk or other public right-of-way without obtaining a permit from the Town Clerk or Mayor. The Town Clerk or Mayor may condition such permit upon such terms or restrictions as the Town Clerk or Mayor deem necessary to protect the public health, safety or welfare, including, but not limited to requiring a bond or other security to ensure the restoration or repair of any damage to the public rights-of-way, sidewalks, curbs, or roadways and compliance with the terms of the permit issued in connection therewith. An application for the obstruction or closure of a street, sidewalk or other public right-of-way shall be submitted to the Town Clerk along with an application fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

(Ord. No. 16-02, effective 1/30/17); Ord. No. 18-02, effective 6/3/18; Ord. No. 19-05, effective 2/5/20)

Section 17.7 Pre-Existing Structures and Shrubbery

Nothing in this Article shall be deemed to require the removal of currently existing private structures or shrubbery on public place in the Town as of the date of this ordinance, except as provided in Article 5; provided, that the Town Council may require the future removal and relocation of any such private structures or shrubbery should said Council deem it necessary to utilize such space for a public purpose.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.8 (Reserved)

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.9 Penalties

Any person violating any of the provisions of this Article shall be subject to the penalties stipulated under Article 21, in addition to any remedy available to the Town as provided in any specific provision of this Article.

(Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Section 17.10 Snow Removal

A. Removal Required. The owners of real property abutting a public sidewalk shall remove or cause to be removed snow and ice from the abutting sidewalk to the extent necessary to provide reasonably safe pedestrian use. Such removal shall be completed within 24 hours after the Town's snow plow or contractor has plowed the Town street adjacent to the sidewalk, unless such removal is impracticable. If such removal is impracticable, the abutting owner shall spread sufficient sand on the snow and ice during the above-referenced 24-hour period to provide reasonably safe pedestrian use.

B. Should the sidewalk not be cleared or treated as required by, and within the time period set forth in Subsection A the Town, at the Town's option, may:

1. Without advance notice, remove the snow or ice or treat the sidewalk and collect from the abutting property owner the cost of removal or treatment, together with interest as stipulated under Article 21; and/or

2. Enforce the violation as a municipal infraction, pursuant to penalties and remedies stipulated under Article 21.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)