

# FINAL

## COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 1

Bill No. 2-20

Introduced by Ms. Pickard, Chairman  
(by request of the County Executive)

and by Mr. Volke

By the County Council, January 6, 2020

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Introduced and first read on January 6, 2020  
Public Hearing set for and held on February 3, 2020  
Public Hearing on AMENDED bill set for and held on February 18, 2020  
Public Hearing on SECOND AMENDED bill set for and held on March 2, 2020  
Public Hearing on THIRD AMENDED bill set for March 16, 2020 (Postponed)  
Public Hearing on THIRD AMENDED bill set for and held on May 4, 2020  
Bill Expires April 10, 2020 (Expiration Date Extended to May 28, 2020)

By Order: JoAnne Gray, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Roads and Rights-of-way – Obstructions  
2 – Abandonment of Facilities

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4 FOR the purpose of adding a deadline for relocating obstructions in or removing  
5 obstructions from County roads, easements, and rights-of-way; adding County  
6 remedies for failure to relocate obstructions in or remove obstructions from County  
7 roads, easements, and rights-of-way; adding provisions relating to facilities abandoned  
8 in the County rights-of-way; and generally relating to public works.

9  
10 BY repealing and reenacting, with amendments: §§ 13-1-105; and 13-3-502(a)  
11 Anne Arundel County Code (2005, as amended)

12  
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
14 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

### ARTICLE 13. PUBLIC WORKS

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**TITLE 1. DEFINITIONS; GENERAL PROVISION**

**13-1-105. County’s prior rights in roads, easements, and rights-of-way.**

(a) **Definition.** In this section, “obstruction” means any object or structure that blocks or impedes the construction or maintenance of public works, including ~~[[private]]~~ facilities that provide electricity, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers; shrubbery or plants of any kind; and storage materials.

(b) **Duty to remove obstruction to construction or maintenance of public works.** A person who places or maintains an obstruction in, on, over, under, or through a County road, easement, or right-of-way shall ~~[[promptly]]~~ shift, adjust, accommodate, or remove the obstruction ~~[[on reasonable]]~~. IN CONSULTATION WITH THE COUNTY. IF THE PERSON FAILS TO ACT PROMPTLY AND DILIGENTLY, AS DETERMINED BY THE DEPARTMENT, THE COUNTY SHALL SEND A NOTICE TO THE PERSON BY FIRST CLASS MAIL, POSTAGE PREPAID, AND BY EMAIL IF AN EMAIL ADDRESS IS AVAILABLE. THE NOTICE SHALL REQUIRE THE PERSON TO SHIFT, ADJUST, ACCOMMODATE, OR REMOVE THE OBSTRUCTION WITHIN 45 CALENDAR DAYS OF THE DATE OF THE notice ~~CALENDAR~~ [[from the County]].

**(c) Costs.**

(1) If a person fails or refuses to shift, adjust, accommodate, or remove an obstruction ~~[[after reasonable]]~~ WITHIN 45 ~~CALENDAR~~ DAYS OF THE DATE OF notice FROM THE COUNTY, the Department may SUSPEND ANY ACTIVE PERMITS OR ISSUANCE OF ANY PERMIT UNTIL THE OBSTRUCTION IS SHIFTED, ADJUSTED, ACCOMMODATED, OR REMOVED.

(2) IF A PERSON FAILS OR REFUSES TO SHIFT, ADJUST, ACCOMMODATE, OR REMOVE AN OBSTRUCTION WITHIN 45 ~~CALENDAR~~ DAYS OF THE DATE OF NOTICE FROM THE COUNTY, THE DEPARTMENT MAY shift, adjust, accommodate, or remove the obstruction, and the Director may DEDUCT THE COST OF PERFORMING THE WORK FROM ANY SECURITY PAID TO THE COUNTY BY THE PERSON REFUSING TO DO THE WORK OR MAY OTHERWISE charge the person having or maintaining the obstruction for the cost of performing the work.

**(D) Abandonment of facilities.**

(1) IF AN OWNER DISCONTINUES USE OF AN ABOVE-GROUND OR UNDERGROUND FACILITY IN A COUNTY ROAD, EASEMENT, OR RIGHT-OF-WAY FOR ONE YEAR OR MORE, THE FACILITY SHALL BE CONSIDERED ABANDONED, BUT SHALL REMAIN THE RESPONSIBILITY OF THE OWNER. AN APPROPRIATELY SECURED SERVICE DROP THAT DOES NOT CONFLICT WITH EXISTING OR NEW FACILITIES MAY NOT BE CONSIDERED ABANDONED IF, UPON A CUSTOMER REQUEST, IT CAN BE PUT BACK INTO USE.

(2) THE OWNER SHALL IMMEDIATELY REMOVE AN ABANDONED ABOVE-GROUND FACILITY IN A COUNTY ROAD, EASEMENT, OR RIGHT-OF-WAY AT THE OWNER’S EXPENSE.

(3) REMOVAL OF A FACILITY INCLUDES REMOVAL OF ALL ITEMS APPURTENANT TO THE FACILITY, SUCH AS MAN HOLE COVERS AND PULL BOXES.

(4) (I) EXCEPT AS PROVIDED IN (D)(4)(II), AN UNDERGROUND FACILITY MAY BE

1 ABANDONED IN PLACE IF A PERMANENT RECORD OF THE EXISTENCE AND ACCURATE  
 2 LOCATION OF THE ABANDONED FACILITY IS PROVIDED TO THE DEPARTMENT UPON  
 3 ABANDONMENT.

4  
 5 (II) IF AN ABANDONED UNDERGROUND FACILITY PREVENTS OR MAKES  
 6 IMPRACTICABLE ANY IMPROVEMENT TO OR IN A COUNTY ROAD, EASEMENT, OR RIGHT-  
 7 OF-WAY, THE OWNER SHALL REMOVE THE ABANDONED UNDERGROUND FACILITY AT THE  
 8 OWNER’S EXPENSE WITHIN 30 DAYS OF THE DEPARTMENT’S REQUEST.

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 10 (5) IF AN OWNER FAILS OR REFUSES TO REMOVE AN ABANDONED FACILITY IN A  
 11 COUNTY ROAD, EASEMENT, OR RIGHT-OF-WAY, AFTER 60 ~~CALENDAR~~ DAYS FROM THE  
 12 DATE OF A REQUEST FROM THE DEPARTMENT, THE DEPARTMENT MAY REMOVE THE  
 13 ABANDONED FACILITY, AND THE DIRECTOR ~~MAY~~ SHALL CHARGE THE PERSON HAVING OR  
 14 MAINTAINING THE ABANDONED FACILITY FOR THE COST OF PERFORMING THE WORK.

15  
 16 (E) **Sanction for violation.** NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
 17 ARTICLE, FAILURE TO COMPLY WITH THIS SECTION SHALL BE A CLASS B CIVIL OFFENSE,  
 18 WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION. CIVIL FINES MAY NOT EXCEED  
 19 ANY LIMITS SET FORTH IN A FRANCHISE AGREEMENT.

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 21 **TITLE 3. PERMITS FOR USE OF COUNTY RIGHTS-OF-WAY**

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 23 **13-3-502. Stop work order; permit modification or revocation.**

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 25 (a) **Grounds for issuance.** The Director may issue a stop work order, impose  
 26 conditions on a permit, ~~[[or]]~~ suspend or revoke a permit, OR SUSPEND ISSUANCE OF  
 27 ~~PENDING AND FUTURE PERMITS~~ if the Director determines that:

28  
 29 (1) a person has violated applicable law, regulations, the Design Manual, the  
 30 County’s Standard Specifications and Details for Construction, or any term, condition, or  
 31 limitation of a permit;

32  
 33 (2) activity in the right-of-way poses a hazardous situation or constitutes a public  
 34 nuisance, public emergency, or other threat to the public health, safety, or welfare; ~~[[or]]~~

35  
 36 (3) OBSTRUCTIONS IN, ON, OVER, UNDER, OR THROUGH COUNTY ROADS,  
 37 EASEMENTS, OR RIGHTS-OF-WAY HAVE NOT BEEN REMOVED OR RELOCATED AS  
 38 REQUIRED BY THE DEPARTMENT;

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 40 (4) FEES, SECURITIES, AND OTHER COSTS ARE DUE AND OWING TO THE COUNTY;  
 41 OR

42  
 43 ~~[[3]]~~ (5) there is a paramount public purpose.

44  
 45 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
 46 from the date it becomes law.

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READ AND PASSED this 4<sup>th</sup> day of May, 2020

By Order:



JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 5<sup>th</sup> day of May, 2020



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 8<sup>th</sup> day of May, 2020



Steuart Pittman  
County Executive

EFFECTIVE DATE: June 22, 2020

I HEREBY CERTIFY THAT THIS IS TRUE AND CORRECT COPY OF  
BILL NO. 8-20. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



JoAnne Gray  
Administrative Officer