

Resolution No.: 17-1162  
Introduced: July 8, 2014  
Adopted: July 15, 2014

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Approve the adoption of regulations governing streets for the Village of Drummond

**Background**

1. Under state law codified as Montgomery County Code §65-1, the Village of Drummond and the First Addition to Drummond (hereafter collectively "The Village of Drummond" or "The Village") is a Special Taxing District. Code §§65-6 and 49-7 authorize the Village to recommend regulations governing work in a public roadway for adoption by the County Council.
2. On July 2, 2014, the Village of Drummond submitted the attached Regulation for adoption by the County Council.
3. The purpose of the attached proposed Regulation is to require a street work permit for work in a public roadway located in the Village of Drummond contingent on the receipt of a County permit.
4. Public hearings on this proposed Regulation were held by the Village on April 17 and 24, 2014.
5. Notice of this proposed Regulation was published in the June 2014 edition of the County Register. No comments were received.

**Action**

The County Council for Montgomery County, Maryland, approves the following action:

The County Council approves the attached Regulations for the Village of Drummond.

This is a correct copy of Council action.

  
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Linda M. Lauer, Clerk of the Council

# Office of the County Executive

## Montgomery County Register

June 1, 2014 Proposed Village of Drummond Regulation

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### PROPOSED VILLAGE OF DRUMMOND REGULATION – Streets

**SUMMARY:** The proposed regulation requires a "Street Work Permit" from the Citizens Committee of the Village of Drummond for the construction, reconstruction, repair, grading, improvement or maintenance of any public road, street, or right-of-way within the Village of Drummond.

**COMMENTS:** Written comments must be submitted by June 30, 2014, to Benjamin D. Arem, Esq., Attorney for the Village of Drummond, Law Firm of Knopf & Brown, 401 E. Jefferson Street, Suite 206, Rockville, Maryland, 20850; 301-545-6100; [Arem@Knopf-Brown.com](mailto:Arem@Knopf-Brown.com).

**AUTHORIZATION AND PROCEDURAL METHOD:** Montgomery County Code, 2004, Section: 65-6; 49-7(a). Method 2.

**COPIES OF THE PROPOSED REGULATION:** A copy of the proposed regulation may be obtained from Benjamin D. Arem, Esq., Attorney for the Village of Drummond, Law Firm of Knopf & Brown, 401 E. Jefferson Street, Suite 206, Rockville, Maryland, 20850; 301-545-6100; [Arem@Knopf-Brown.com](mailto:Arem@Knopf-Brown.com).

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**RESOLUTION OF THE  
CITIZENS COMMITTEE OF THE  
VILLAGE OF DRUMMOND  
ADOPTING REGULATIONS GOVERNING STREETS**

**RESOLUTION**

**BE IT RESOLVED**, by the Citizens Committee of the Village of Drummond ("Committee"), that the following regulations governing streets are adopted and recommended to the Montgomery County Council for approval.

**WHEREAS**, under the Charter granted by the State of Maryland establishing the Village of Drummond as a Special Taxing District, the Village of Drummond ("Drummond") has the power to grade, pave, macadamize or otherwise improve any existing street, road or lane, or any street, road or lane which has been or may be acquired and opened for public use, and to lay sidewalks and curbs thereon, Chapter 65, Section 65-6, as codified in the Montgomery County Code; and

**WHEREAS**, Drummond may exercise its powers by regulations adopted by the Committee and approved by the Montgomery County Council, Chapter 65, Section 65-9, as codified in the Montgomery County Code; and

**WHEREAS**, the Montgomery County Code, Chapter 49, Section 49-7(a), Streets and Roads, provides that any special taxing district which has the authority to pave and maintain its streets and roads may adopt and amend reasonable regulations, which must be approved by the Montgomery County Council pursuant to Method 2 procedures, Chapter 2A, Section 15(f), governing the construction, maintenance, improvement, grading, and repairing of the roads and streets; and

WHEREAS, a public hearing on regulations governing streets was held by the Committee on April 17, 2014, and on April 24, 2014, after due notice to the residents of Drummond.

NOW, THEREFORE, the Committee adopts the following regulations governing streets and requests approval by the Montgomery County Council:

**VILLAGE OF DRUMMOND  
REGULATIONS - STREETS**

1. *Street Work Permit Required.* No construction, reconstruction, repair, grading, improvement or maintenance activity or other work in, on, above, or below the surface of any public road, street, sidewalk, green space, or other public right-of-way within the Village of Drummond ("Drummond") may commence unless a Street Work Permit ("Permit") has been obtained under this regulation.

2. *Street Work Permit Application.* Application for a Permit must be made on a form prescribed by the Citizens Committee of the Village of Drummond ("Committee"). The Committee may charge a fee for an application which fee shall not exceed Two Hundred Dollars (\$200). The Committee may require a performance bond. An application may be denied for failure to provide the requested information.

The Permit application shall include such information as:

- a. The signature of the applicant and/or the applicant's authorized agent;
- b. The full name and address of the applicant and/or the applicant's authorized agent;
- c. A description of the work to be performed for which the Permit is requested (the "Work"), including:

i. The name(s) and address(es) of any contractors which will perform the Work;

ii. The specific location of the Work;

iii. The anticipated duration of the Work including days and hours;

iv. Any effect on ingress/egress and vehicular parking on the street, including that of residents, guests, and emergency vehicles, and measures to reduce or prevent any such effect;

v. Any effect on residents' access to driveways; and

vi. Any other adverse effects to property adjoining or confronting the street right-of-way;

vii. Adverse impact, actual or reasonably foreseeable, upon any grass, plants, or trees in or near the street right-of-way, and any measures to be taken to prevent or minimize such impact.

d. A description of the applicant's plans for repair and/or restoration of the street surface, curbs, gutters, driveway aprons, sidewalks, or other areas disturbed by the Work, including construction standards, materials to be used, and replacement of grass, plants, and trees.

e. A copy of any approved permit(s) required by Montgomery County.

f. A certification by the applicant that the applicant provided reasonable notice to the owners of adjoining and confronting property within Drummond that the applicant is requesting a Permit from the Committee for the Work, as well as a brief description of the Work and any impact the Work may have on such adjoining and confronting owners and their property. Such notice shall include the anticipated date of the hearing on the Permit before the

Committee. The certification shall further include an explanation of the steps taken to comply with these notice requirements and the identity of those persons who have been notified.

3. *Permit Contingent on County Permit.* Any Permit issued under this Regulation is effective and valid only for the identical work authorized by a valid Montgomery County permit which may be required for the Work, and only for that time period for which the County permit is valid. If no County permit is required, then a Permit issued under this Regulation shall be effective and valid for such time as designated by the Permit.

4. *Extension of Permit Duration.* The Committee shall have the authority in its discretion to extend the duration of any Permit issued under this Regulation upon a showing of good cause.

5. *Criteria for Permit.* The Committee, in approving or disapproving an application;

a. Shall consider such factors as:

i. Whether the application is complete and conforms to the requirements of this Regulation;

ii. Whether the proposed Work complies with applicable Federal, State and local laws and regulations;

iii. The need for such Work;

iv. The effect of the Work upon the health, safety, and welfare of the residents of Drummond and persons using the street and the street right-of-way;

v. The effect of such Work on safe and adequate egress/ingress by residents, guests, and emergency vehicles;

vi. Interference with residents' use of the street right-of-way by the Work; and

vii. Damage to public and private property, including harm to grass, plants and trees by the Work, and the applicant's proposed measures and standards for repair, restoration, and/or replacement.

b. May place conditions on the issuance of the Permit so as to:

i. Protect the health, safety, and welfare of the residents of Drummond and persons using the street and the street right-of-way;

ii. Minimize the disruption of vehicular and pedestrian use of the street and the right-of-way;

iii. Provide for adequate and proper repairs or restoration of the street surface, curbs, gutters, driveway aprons, or other structures or improvements in the right-of-way;

iv. Provide adequate and proper protection or restoration of grass, plants, trees in or near the right-of-way;

v. Provide for the protection of property adjoining or confronting the street right-of-way;

vi. Provide for the posting of a bond or other surety to cover the cost of repairs and restoration.

6. *Liability for Damage to Village of Drummond Property.* As a condition for the grant of a Permit, the Permit Holder shall be liable for any damages to streets, sidewalks, curbs, gutters, grass, plants, and trees within the street right-of-way. A Permit Holder shall be subject to the expense necessary to repair such damage or for restoration as close to the original condition as possible. The Committee may, by contract or otherwise, cause any necessary repairs to be made, and the cost of such repairs and the damages resulting therefrom charged to the Permit Holder.

7. *Stop Work Order.* Whenever the Committee or its delegates may determine that actions are being taken in violation of the conditions of the Permit or provisions of this Regulation, a Stop Work Order ("Order") may be issued in writing and served upon the Permit Holder, the Permit Holder's agent, or the person(s) performing the Work. It shall be unlawful for any person to continue with any of the Work after having been served with such an Order. The Permit Holder may appeal to the Committee, which, upon request, shall hold a hearing on the Order within fourteen (14) days.

8. *Revocation of Permit.* The Committee may revoke, after a hearing, a Permit issued under this Regulation due to any false statement or misrepresentation of fact in the application or on the plans upon which the Permit was based, or due to any violation of this Regulation or violation of any condition upon which the Permit was issued.

9. *Penalty for Violation of Regulation.* Any Permit Holder failing to comply with this Regulation shall make or cause to be made such corrections, abatements, restorations, alterations or removals of any materials or equipment, as may be necessary to remedy a condition that violates this Regulation. If such remedy is not completed within thirty (30) days from the date of notification of violation, the Committee may by contract or otherwise, complete, make such correction, abatement, restoration, alterations, or removals, and the costs of the damages resulting therefrom shall be charged against the Permit Holder.

Approved:

Citizens Committee of the Village of Drummond

By vote of 3 to 0 on April 24, 2014.