

Chapter 137

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Mayor and Council of the Town (now City) of Seat Pleasant as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Grading, drainage and erosion control — See Ch. 96.
Solid waste — See Ch. 129.
Street vendors — See Ch. 141.
Vehicles and traffic — See Ch. 150.
Storage of vehicles — See Ch. 154.

ARTICLE I

General Regulations

[Adopted 12-16-1968 as Ch. 30, Art. I, of the 1968 Code]

§ 137-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PARKING — The space of ground lying between the curblineline of the street or avenue and the sidewalk thereof.

SIDEWALK — All paved or established sidewalks.

§ 137-2. Deposit of material from vehicles. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful to cause or permit any earth, clay, dirt, sand, gravel, broken stone, mortar, hay, straw, manure, shavings, sawdust, coal, ashes, paper, rubbish, bottles, cans or any loose material of any kind to be scattered, dropped, leaked, spilled or let fall from any truck, wagon, cart or other vehicle in which the same may be carried upon any of the streets or roadways within the City, and this prohibition shall apply to the owner, driver, operator, contractor, manager, agent, supervisor, superintendent or person in charge of any such truck, wagon, cart or other vehicle from which any of the materials hereinbefore mentioned shall be scattered, dropped, leaked, spilled or let fall upon any street or roadway.¹

§ 137-3. Deposit of excavated materials. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful to deposit or permit to be deposited upon any sidewalk, crosswalk, gutter or improved roadway or street within the City any earth, clay, sand, gravel or other excavated material by spilling, dropping or placing the same thereon or by tracking the same thereon by the wheels of vehicles or feet of animals, either in process of conveying such excavated material from the place where the excavation is being made or in returning from the place where the

1. Editor's Note: Former § 30-2, Street construction or alterations, which immediately preceded this section, was deleted 2-14-1994 by Ord. No. 94-01.

excavated material shall have been deposited, and this prohibition shall apply to the owner of the land where the excavation is being made, the owner of the land where the excavation material shall have been deposited and every driver, operator, teamster, owner of horses and vehicles, supervisor, superintendent and contractor engaged in making every excavation.

§ 137-4. Removal of litter during building operations.

Every person having charge of any building operations, either as owner or contractor, shall remove or cause to be removed at the expiration of each working day from the sidewalks, gutters, and roadways adjacent to such building 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 operations.

§ 137-5. Signs and displays. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful for any person to permit or cause any sign or board to project over any sidewalk or any flag or banner or any other manner of display to be stretched across any of the streets of the City without permission of the Public Works Director.

§ 137-5.1. Obstructions of public places. [Added 4-14-2008 by Ord. No. 08-03]

- A. As used in this section, "public place" means any place or space, including, but not limited to, a sidewalk, street, road or other way, to which the general public has access and a right to use for any lawful purpose. "Public place" is not limited to places devoted solely to the use by the general public.
- B. A person may not obstruct any public place so as to hinder or impede the free and uninterrupted passage of vehicular or pedestrian traffic on, in, along or across the public place.
- C. A person may not commit any act that prevents the free and uninterrupted ingress, egress, and regress in, on, to and from any public place and any lawful activity being conducted in or on a public place.
- D. Whenever any person commits an act that is prohibited by Subsection B or C of this section, a police officer or law enforcement officer shall order that person to cease from committing that act and, where appropriate, to move or remove any prohibited physical obstruction that was placed or created by such person. Any person who fails or refuses to obey any such order is guilty of a municipal infraction punishable by a fine of \$500 for each offense.

§ 137-6. Obstructing sidewalk with merchandise.

It shall be unlawful for any person to obstruct any sidewalk of the City with merchandise, and each day such obstruction shall be permitted to exist shall constitute a separate offense.

§ 137-7. Earth, ashes, gravel or other substances. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful to place or cause to be placed any earth, ashes, gravel or other substance

upon the improved driveways, pavements, avenues or alleys within the City without first obtaining a permit from the Public Works Director.

§ 137-8. Obstructions; abatement.

It shall be unlawful for any person or persons to erect or maintain any building or obstruction in or upon any alley, street or highway within the corporate limits of the City, and whoever shall fail to remove or abate the same after notice from a City police officer so to do shall, upon conviction thereof, be guilty of a misdemeanor. Each day such obstruction shall be permitted to exist after said notice is given shall constitute a separate offense and violation hereof.

§ 137-9. Litter; burning of trash.

It shall be unlawful for any person to throw, cast, lay, sweep, deposit, scatter or drop, leave or cause to be thrown, cast, laid, swept, deposited, scattered or dropped or left any dirt, mud, ashes, filth, sawdust, shavings, hay, straw, offal, leaves, litter, paper, vegetable matter, decayed fruits, fruit skins or putrescible matter of any sort, animal matter, scraps, rubbish, garbage, trees, cinders or other refuse material or any dead animal or to burn or set fire to any such material or to cause the same to be burned or set fire to upon any street, avenue, alley, sidewalk, gutter, roadway or other public place within the City.

§ 137-10. Storage of materials in streets.

- A. It shall be unlawful for any contractor or any employees of any contractor or any other person to use the streets, roads or sidewalks within the City to store or place materials thereon without a permit from the Public Works Director for the right to use the street, road or highway in such manner. [Amended 6-13-2016 by Ord. No. O-16-09]
- B. Every person using a street, road or highway within the City to store or place materials thereon shall exhibit or display one or more red lanterns, as necessary, at night, placed thereon in such manner as to warn the public of the obstruction of the road, highway or sidewalk and to show distinctly the unobstructed passageway remaining in the road, highway or sidewalk.

§ 137-11. Excavations.

Any person or persons making or causing to be made any excavation within the dedicated lines of any public street or alley in the City shall provide suitable warning, barriers and lights to designate such excavation and shall be responsible for maintaining such warning, barriers and lights until the excavation is properly refilled. Each day such excavation shall continue to exist without said warning, barriers and lights shall constitute a separate offense.

§ 137-12. Interfering with or damaging public property.

It shall be unlawful for any person to break, damage, mutilate or carry away any lantern, glass frame, barrier, street designation, fixture, road marker, official sign or any part of any public lamp or any official marker or designation erected for the regulation and control of traffic or any other City property.

§ 137-13. Interfering with public lamps or streetlights. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful for any person without permission of the Public Works Director to extinguish, break, damage or obstruct the light in any public lamp or streetlight in said City.

§ 137-14. Deposit of liquids on sidewalks or streets.

It shall be unlawful for any person to pour, spill or permit to drip upon any sidewalk or street within the City any kerosene, gasoline, benzine or any similar oil or oily substance or liquid.

§ 137-15. Paving and advertising devices. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful for any person without the permission, in writing, of the Public Works Director to pave or cover with any permanent cover any parking space or the space between the sidewalk and curb or any part thereof or place upon any sidewalk in any manner whatever any letters or advertising device.

§ 137-16. Railroads.

It shall be unlawful for any railroad locomotive, engine or railroad car or train of cars to obstruct any sidewalk, crosswalk or any street within the City for a longer period than 10 minutes.

§ 137-17. Commercial use of parkings. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful to use the parkings or sidewalks within the City for business purposes or to place material thereon without a permit from the Public Works Director so to do.²

§ 137-18. Violations and penalties. [Amended 2-14-1994 by Ord. No. 94-01]

Any person, firm or corporation who or which shall violate any provision of this article or fail to comply with its requirements shall, upon conviction thereof, be guilty of a municipal infraction punishable by a fine of \$400 for each offense. Each day that a violation continues shall be considered a separate offense.

ARTICLE II
Construction and Alterations
[Adopted 12-16-1968 as Ch. 29 of the 1968 Code]

§ 137-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CITY — The City of Seat Pleasant, a Maryland municipal corporation.³ [Amended 6-13-2016 by Ord. No. O-16-09]

PERSON — Any person, firm, partnership, association, corporation, company or organization of

². Editor's Note: Former § 30-19, Temporary use of parkings, sidewalks, which immediately followed this section, was deleted 2-14-1994 by Ord. No. 94-01.

³. Editor's Note: The former definition of "engineer," which immediately followed this definition, was repealed 6-13-2016 by Ord. No. O-16-09.

any kind.

PUBLIC STREETS — Comprise the entire area of the acquired or dedicated rights-of-way or easements within the corporate limits of the City. For the purposes of this chapter, the term "public streets" shall be deemed to include land areas and structures proposed for future dedication for public use in a preliminary plat or tentatively approved final plat. [Amended 6-13-2016 by Ord. No. O-16-09]

§ 137-20. Permit required. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be unlawful for any person to begin to construct, reconstruct, repair, alter, grade, dig up, cut, break, destroy or grade any sidewalk, curb, curb cut, driveway, pavement, roadway, sign, culvert or drainpipe, ditch, tree, traffic control device, streetlight, utility pole or other facility or area within the public streets without obtaining a permit from the Public Works Director as provided in this article (except as otherwise provided by general or local laws of the State of Maryland).

§ 137-21. Application. [Amended 6-13-2016 by Ord. No. O-16-09]

An applicant for a permit hereunder shall file an application with the Public Works Director on such forms as shall be provided to the applicant by the City.

§ 137-22. Fees. [Amended 6-13-2016 by Ord. No. O-16-09]

The City Council shall, from time to time, establish by resolution such fees as deemed necessary to cover the costs of administering the provisions of this chapter. Fees shall be of two types, filing fees and inspection and engineering fees.

- A. The filing fee shall be a flat rate fee, regardless of the estimated cost of the work.
- B. The inspection and engineering fee for services performed in verification of the adequacy of the work of an applicant or permittee hereunder shall be computed as a percentage of anticipated actual construction cost.

§ 137-23. Bond required. [Amended 6-13-2016 by Ord. No. O-16-09]

- A. A bond or insurance policy conditioned to protect and save harmless the City from all claims for damages to property or injury to person by reason of such alteration work shall be filed with each application for a permit hereunder. In cases where the estimated cost of the project shall exceed \$500, the City shall require a construction bond to be filed with the application for a permit hereunder, in an amount equal to the total cost of the project and conditioned that such work shall be done in accordance with the City standard specifications, and the applicant shall also file a maintenance bond guaranteeing the same for a period of one year, in the amount of 10% of the total construction cost. In no case shall the performance bond be less than \$100.
 - (1) Failure to comply by permittee. In any case where a permittee hereunder shall be in default or shall fail to comply with the requirements of this chapter, the City Council shall take action to complete or revise the work in a satisfactory manner and shall recover the cost thereof from the permittee and/or his/her surety.

- (2) Bond release. Bonding or insuring agencies shall be released from financial responsibility upon official acceptance of the work or expiration of the guaranteed maintenance period, as may be appropriate.
- B. Before issuance of the permit, all bonds shall be approved by the Public Works Director with the advice of the City Attorney. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Maryland. If a cash bond is offered, it shall be deposited with the City Clerk, who shall give his/her official receipt therefor, stipulating that said cash has been deposited in compliance with and subject to the provisions of this section. All cash and corporate bonds covering construction filed hereunder shall be released upon, but not before, acceptance of the completed work by the City Council in accordance with these specifications or expiration of the guaranteed maintenance period, as may be appropriate.

§ 137-24. Standards for issuance of permit.

- A. In general, the standards for issuance of a permit are as follows:
- (1) The proposed work must be accomplished according to the same standard specifications as have been adopted by the County Council of Prince George's County, Maryland, for public work of like character. The City Council hereby adopts the standard specifications of Prince George's County, Maryland, now in effect or as shall be established from time to time by Prince George's County, Maryland. [Amended 6-13-2016 by Ord. No. O-16-09]
 - (2) The operation must not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces and the means of access to and egress from the property affected and adjacent properties.
 - (3) The health, welfare and safety of the public must not be impaired.
- B. The Public Works Director may issue a permit only after the application has been approved by the City Council, to whom it shall be forwarded by the Public Works Director within 10 days after receipt thereof and after obtaining the written recommendations of the Public Works Director. [Amended 6-13-2016 by Ord. No. O-16-09]

§ 137-25. Supervision and control. [Amended 6-13-2016 by Ord. No. O-16-09]

All construction or alteration work for which a permit is granted hereunder shall be under the control of the Public Works Director. The Public Works Director or the City Council shall have the authority to cause all operations for which a permit is granted hereunder to cease when the permittee fails to comply with one or more of the requirements as specified under § 137-24 above. Upon failure of the permittee to correct deficient work within 30 days of receipt of notice to do so, the Public Works Director or the City Council may order the work appropriately revised and the costs thereof recovered from the permittee and/or his/her surety.

§ 137-26. Alteration of curb cuts and other facilities.

- A. The City Council shall have the authority to order the owners or agents in charge of property adjacent to which curb cuts or other facilities have been constructed or altered in

violation of this chapter to alter the curb cut or other facilities in such manner as shall be necessary to effect conformance with the standard specifications of the City. [Amended 6-13-2016 by Ord. No. O-16-09]

- B. Notice of alteration order. The notice required by this section shall:
- (1) Require compliance by the permittee within 30 days of said notice.
 - (2) Be in writing.
 - (3) Be served upon the permittee as required by law.

§ 137-27. Issuance of permits. [Amended 6-13-2016 by Ord. No. O-16-09]

- A. The construction or alteration work, materials, plans and specifications shall at all times be open to and available for inspection and testing by the Public Works Director or his/her duly authorized representative. Permittees shall give notice to the Public Works Director at least 48 hours prior to commencing any construction or alteration for which the permit has been issued, if the starting date varies by more than two calendar days from the starting date shown on the approved application.
- B. No permit shall be issued for new construction unless the preliminary plat has been approved by the Public Works Director and the right-of-way has been or is intended to be dedicated or otherwise acquired for public use.
- C. Upon a finding by the Public Works Director that these standard specifications are not feasible, practicable or complete for a particular project, alternate or additional standard specifications in accordance with good engineering principles, as may be deemed necessary, may be required, and such alternate or additional requirements shall be part of and a condition of the permit.
- D. If any design for anticipated work covered by the application requires approval by any regional planning commission or any lawfully established sanitary commission, the Public Works Director will request such approval and obtain it before his/her review and approval of said design.
- E. If after review of the application it appears to the Public Works Director that the proposed work conforms with all requirements, he/she shall notify the City Council that the application has been "approved for issuance." The notice shall state the amount of permit fee and the amount of bond to be required as determined by law.
- F. If the application as submitted is not approved or is granted conditional approval, the Public Works Director will notify the applicant of the objections so that he/she may amend his/her application.
- G. The Public Works Director shall, upon receipt of the appropriately revised application, issue a permit for the work to be covered by the application, provided that the revised application is submitted within six months after notice of conditional approval.
- H. When a permit has been issued, work thereunder must be commenced within 60 days and thereafter be continued to conclusion of all work covered. Upon showing a reasonable necessity, the Public Works Director may extend the expiration date of a permit without

payment of additional fee. A permit shall automatically expire one year after its issuance unless extended, in writing, by the Public Works Director, stating the reason for extension. 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.

§ 137-28. Fees. [Amended 2-14-1994 by Ord. No. 94-01]

The inspection and engineering fees for street alterations, openings or improvements shall be as set forth from time to time by resolution of the City Council.⁴

§ 137-29. Inspections. [Amended 6-13-2016 by Ord. No. O-16-09]

- A. Inspection services will be maintained by the Public Works Director to assure compliance with the permit.
- B. In the event that there is an interruption of the work for a period of more than five days, the permittee shall notify the Public Works Director at the end of each interruption of his/her intent actively to resume operations.

§ 137-30. Approval and acceptance. [Amended 6-13-2016 by Ord. No. O-16-09]

- A. Final approval of construction work under any permit shall be given by the City Council after a field inspection by the Public Works Director that the work conforms in all respects with the specifications and includes all work required thereby.
- B. Final approval shall be certified to the City Council by the Public Works Director, and no application for acceptance into the City street system shall be necessary, and the Public Works Director's certification to the City Council of final approval of the work shall constitute a recommendation for acceptance. Actual acceptance into the City's street system for perpetual maintenance shall be only by order of the City Council in each individual case and after approval of the final plat and its recordation among the land records of Prince George's County.
- C. Final approval of a part (less than all) of the work covered by a permit may be requested and given, and such approval may be accepted by the City Council, but no bond shall be released before all work called for by the permit is completed.

§ 137-31. Design, construction and alteration standards.

- A. Widths of roads shall be consistent with the Master Street Plan, County Subdivision Regulations and preliminary plats or, in the absence of such controls, conform to tables adopted by the Maryland National Capital Park and Planning Commission and/or County Council of Prince George's County, Maryland, for various widths and classes of roads. [Amended 2-14-1994 by Ord. No. 94-01]
- B. Construction of an adequate stormwater drainage system and/or facilities shall be required in all cases. Storm drainage plans shall be prepared by a professional engineer registered in

4. Editor's Note: The current fee schedule is on file in the City offices.

the State of Maryland and submitted for review with the permit application and must receive approval of the Washington Suburban Sanitary Commission.

- C. Where a preliminary drainage study indicates that a minimum right-of-way width as established by the County Subdivision Regulations or other authority is adequate for proper drainage of a particular road, the City Council may require such additional right-of-way as is found necessary for such drainage purposes. [Amended 6-13-2016 by Ord. No. O-16-09]
- D. No partial street construction shall be permitted where there is sufficient width to construct a full street in accordance with the standard specifications.
- E. Where there is insufficient right-of-way to construct a full-width street, a partial street of a minimum width of 20 feet of finished paving may be constructed on a temporary basis, provided that protective shoulders or temporary curbing and adequate drainage are installed in accordance with such requirements as the City Council may deem necessary, and that necessary action is initiated for dedicating or acquiring the additional land necessary to accommodate the construction of a full-width street. [Amended 6-13-2016 by Ord. No. O-16-09]
- F. Approved grades and elevations shall be obtained from the local or regional planning commission. Only such grades and elevations shall be used as meet the approval of the City Council, and no grade shall be less than 30/100 of 1% nor more than 10%, except under unusual conditions. Grades and elevations shall be established with due regard to the preservation of trees and other natural amenities. [Amended 6-13-2016 by Ord. No. O-16-09]
- G. The alignment of streets shall be that of the center line of the public right-of-way, wherever possible, or as directed by the City Council. [Amended 6-13-2016 by Ord. No. O-16-09]
- H. Streets shall conform to the requirements of width, and curb, gutter and sidewalks shall be provided as required in the County Subdivision Regulations or as required by the Maryland National Capital Park and Planning Commission and/or the County Council of Prince George's County, Maryland.

§ 137-32. Violations and penalties. [Amended 2-14-1994 by Ord. No. 94-01]

Any person violating any of the provisions of this chapter or any part of a provision of this chapter shall, upon conviction for each violation, be guilty of a municipal infraction punishable by a fine of \$400. Each day in violation may be deemed a separate offense.

ARTICLE III

Snow Removal

[Adopted 12-16-1968 as Ch. 30, Art. II, of the 1968 Code]

§ 137-33. Duty of property owner and occupant.

It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk to keep such sidewalk adjoining such property free from snow and ice and for the full paved width of such sidewalk.

§ 137-34. Time limit for removal.

Snow and ice shall be removed within 24 hours after the end of snowfall. Sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m.

§ 137-35. Severe icing.

In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in § 137-34, be strewn and kept strewn with ashes, sand, sawdust or other suitable material so as to be no longer dangerous to life and limb. As soon as practicable thereafter, the sidewalk shall be completely cleared of snow, ice and other material strewn thereon as provided in this subsection.

§ 137-36. Notification of noncompliance. [Amended 6-13-2016 by Ord. No. O-16-09]

It shall be the duty of the police officer on duty to ascertain whether the public sidewalks have been cleared of snow and ice as provided in this section. He/she shall promptly notify the City Administrator or Public Works Director of all parcels with respect to which the provisions of this section have not been complied with.

§ 137-37. Removal by City. [Amended 6-13-2016 by Ord. No. O-16-09]

The City Administrator or Public Works Director shall direct the removal or treatment of snow and ice, as provided in this section, from the portions of the public sidewalk with respect to which this section has not been complied with and shall notify the City Clerk of the expense incurred determined by the amount of labor and materials used.

§ 137-38. Costs of removal. [Amended 6-13-2016 by Ord. No. O-16-09]

The City Clerk shall promptly present to the owner or occupant of each parcel a bill for the removal or treatment of snow and ice, as certified by the City Administrator. If not paid within 30 days, the costs thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent City taxes.

§ 137-39. Obstruction of streets prohibited.

Snow and ice shall in all cases be removed from public sidewalks in such a way as not to obstruct the free passageway of any street, avenue or roadway.

§ 137-40. Use of salt or saltwater restricted.

No person shall dump, pour or spill salt or salt water or other deleterious matter upon any tree or tree space in any public place or keep or maintain within 10 feet of any such tree or tree space any receptacle from which salt water leaks or drips or dump, pour or spill salt or salt water into any parking or unconcreted gutter so as to injure any tree or grass occupying public space.

§ 137-41. Violations and penalties. [Amended 2-14-1994 by Ord. No. 94-01]

Any person, firm or corporation which shall violate any provision of this article or fail to comply with its requirements shall, upon conviction thereof, be guilty of a municipal infraction,

punishable by a fine of \$400 for each offense. Each day that a violation continues shall be considered a separate offense.

ARTICLE IV
Right of Entry for Street and Sidewalk Repairs
[Adopted 7-8-2002 by Ord. No. 02-03]

§ 137-42. Findings. [Amended 6-13-2016 by Ord. No. O-16-09]

In order to protect the public health, safety, comfort, convenience and welfare of the City, it has become necessary to initiate construction and repair of the streets and sidewalks.

§ 137-43. Extent of repair work.

The required work shall consist of the construction and repair of the streets and sidewalks, the drainage systems, the various utility systems, including the location or relocation of water, sewer, electric, telephone and cable transmission lines, street and sidewalk lights, landscaping, as well as maintaining existing entrances from public and private property to the street and sidewalks, and to do all things necessary to accomplish same.

§ 137-44. Authorization.

To carry out the aforesaid street and sidewalk construction and repairs as duly authorized by the City Charter and City Code, the City employees, its agents and assigns shall have the right of entry, for the purpose of accomplishing said work, at all reasonable hours, upon any premises in the City which abut a City street and sidewalk.