

CHAPTER 725
(House Bill 1064)

AN ACT relating to the Washington Suburban Sanitary District, repealing and re-enacting, with amendments, Section 83-100 of the Code of Public Local Laws of Prince George's County (1963 Edition), being also Section 71-50 of the Montgomery County Code (1965 Edition), being Articles 17 and 16, respectively, of the Code of Public Local Laws of Maryland, titled "Prince George's County" and "Montgomery County," both subtitled "Washington Suburban Sanitary District," concerning the construction by the Washington Suburban Sanitary Commission in public highways and roads, providing for the authority of Montgomery County to adopt reasonable regulations, including the requirement of a permit, with respect to such construction in its highways and roads, specifying provisions concerning the formulation of the regulations and the processing and issuance of permits which may be required, and authorizing Montgomery County to include in its regulations a provision for its review and approval, prior to issuance by the Commission, of any permit the Commission may issue under Sections 83-103 (71-53) and 83-107 (71-57) of this subtitle for the construction or location in a highway or road of Montgomery County of lines, poles, pipes, conduits, tracks or facilities of a public utility, providing that the Commission's authority to enter into agreements with other public authorities is not affected, and making provisions for enforcement by injunction.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 83-100 of the Code of Public Local Laws of Prince George's County (1963 Edition), being also Section 71-50 of the Montgomery County Code, (1965 Edition), and being Articles 17 and 16, respectively, of the Code of Public Local Laws of Maryland, titled "Prince George's County" and "Montgomery County," subtitled "Washington Suburban Sanitary District," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

83-100. (71-50). Right of entry upon streets and highways.

(a) **[Said commission]** *The Commission may enter upon any state, county or municipal street, road or alley, or any public highway, for the purpose of installing, maintaining and operating the water supply, sewerage and drainage systems provided for under this [article] subtitle, and it may construct in any such street, road or alley or public highway, a water main, sewer or drain, or any appurtenance thereof, which may be done, except in the improved streets, roads, highways and alleys which are maintained by Montgomery County or those streets, roads, highways and alleys which are being constructed or are to be constructed by Montgomery County, without the receipt of a permit or the payment of a charge, and in the aforesaid streets, roads, highways and alleys of Montgomery County may be done subject to the provisions of this Section with respect to a permit and reasonable county regulations; provided, that no regulation, permit or approval requirement established pursuant to authority conferred on Montgomery County hereby shall be administered so as to constitute a taking, in the con-*