

**CHAPTER 2**

(BILL NO. 24-70)

AN ACT to amend Chapter 103, title "Streets and Roads," of the Montgomery County Code 1965, to add a new subsection (c) to Section 103-20, title "Waivers of Requirements of Article," providing additional authority to the County Executive to waive the requirements of the Road Construction Code under certain conditions to permit the temporary improvement of a less than standard specification road in situations of extraordinary need, and establishing the standards therefor.

*Be It Enacted by the County Council for Montgomery County, Maryland, that—*

SEC. 1. Chapter 103, Section 103-20, Montgomery County Code 1965, is hereby amended to add a new subsection (c) as follows:

103-20. Waivers of Requirements of Article.

(c) In addition to the other provisions of this Section any person desiring or proposing to provide for temporary or interim improvements to an existing public road, without constructing or reconstructing the same, may file a written request for a waiver of any requirement of this Road Construction Code. The County Executive may but is not required to grant such a request for a waiver in whole or part upon a finding of all of the following conditions:

(1) The Director of Public Works, after a review of detailed plans and specifications of the improvements to be made shall have made a written recommendation as to whether or not a waiver should be granted for such improvements in accordance with the plans submitted and setting forth his reasons for his recommendation. His failure to act on such plans within thirty days of their submission shall constitute approval of the waiver being granted;

(2) Where proposed to be improved by Montgomery County, the road to be improved is included for construction or reconstruction in an approved six-year capital improvements program;

(3) That an immediate, temporary improvement is necessary to provide safe vehicular access to residents presently residing on or near the road;

(4) The road is a County public road and all right-of-way required for the proposed improvements has been acquired by, or dedicated to, the County;

(5) The applicant for such a waiver has agreed to make, or cause to be made, all of the proposed improvements in the road at no cost to the County. An applicant under this Article shall, prior to beginning any grading or construction, deliver to the County a