

or his surety does not thereafter, within the time specified, complete the construction according to the provisions of this Article, then the County shall forthwith proceed to do whatever is necessary to cause the construction to comply with this Article, and the permittee and his bond shall thereupon be liable for any expense incurred thereby. Any acceptance of a road by the County shall be in writing fully identifying the road. Thereafter, the road shall be maintained at County expense. Where cash has been deposited pursuant to subsection (c) of 103-18 of this Code and a road is not accepted, the County may withhold any funds remaining in the cash deposit account until compliance by the permittee with the provisions of this Article. If the permittee does not comply, the County may declare a forfeit of such amount as is required to effect compliance.

SEC. 49. Subsections (a) and (b) (9) of Section 103-20, Chapter 103, title "Streets and Roads," of the Montgomery County Code 1965, as amended, are hereby repealed and re-enacted, with amendments, to read as follows:

103-20. Waivers of requirements of Article.

(a) The requirements of this Article for sidewalks, rights-of-way widths, curbs and gutters, paving widths, grade percentages, full-width grading, construction to intersection and the construction of both roadways of a dual lane road or any one or a combination of such items may be waived pursuant to the standards herein contained by the County Executive after receiving recommendations thereon from the Director of the Department of Public Works. Waivers may be granted in such manner in the case of roads to be constructed by the County as front foot benefit projects or otherwise and in the case of roads to be constructed by permittees.

(b) The following standards for the granting and denying of waivers are hereby established:

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(9) Moderate Price Development. Any provision of this Road Construction Code may be waived in connection with a Moderate Price Development as enunciated in the Subdivision Regulations, Chapter 104 of the Montgomery County Code 1965, when in the judgment of the County Executive it contributes to the objectives and purposes of such a Development and will not substantially impair the purposes of this Code.

SEC. 50. Severability.

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other per-