

Expedited Bill No. 13-21
Concerning: Streets and Roads – Permit
to Obstruct Public Rights-of-Way and
Franchising – Amendments
Revised: 3/11/2021 Draft No. 2
Introduced: March 16, 2021
Enacted: June 29, 2021
Executive: July 12, 2021
Effective: July 12, 2021
Sunset Date: None
Ch. 17, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) expand the authority of the Department of Permitting Services to issue permits for right-of-way occupations;
- (2) require a permittee to execute a certain agreement for private installation of non-commercial structure that are accessory to residential use in the public rights of way
- (3) clarify the exemption of “franchise” requirements;
- (4) generally amend the law regarding permits to obstruct public rights-of-way.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-11 and 49-20

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

27 maintenance, use or removal of the nonstandard permitted
28 streetscape[.]; or

29 (6) install a private, non-commercial structure that is accessory to a
30 residential use. The permittee must execute a maintenance and
31 liability agreement that is approved by the Director of the
32 Department of Permitting Services.

33 * * *

34 **49-20. Franchises for use of street; procedure for granting; notice and hearing.**


35 * * *

36 (e) As used in this Chapter, “franchise” includes any franchise, lease, license,
37 contract, or other right or permission to use or occupy a County right-of-way.
38 However, “franchise” does not include [a temporary, removable obstruction or] an
39 occupation of a right-of-way for which the Department of Permitting Services has
40 issued a permit under Section 49-11.

41 (f) The Director of Permitting Services must issue a permit under this Article
42 before a franchisee may occupy or obstruct the right-of-way.


43 **Sec. 2. Expedited Effective Date.** The Council declares that this legislation is
44 necessary for the immediate protection of the public interest. This Act takes effect on
45 the date on which it becomes law.

Approved:



Tom Hucker, President, County Council 7/1/2021
Date

Approved:



Marc Elrich, County Executive 7/12/21
Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council 7/12/2021
Date