

Bill No. 23-18

Concerning: Establish a Frederick County Rustic Roads Commission through Amendments to the Frederick County Code of Ordinance 1-15 Roads and Bridges

Introduced: September 5, 2023

Revised: October 17, 2023 Draft No. \_\_\_\_\_

Enacted: November 7, 2023

Effective: January 6, 2024

Expires: December 4, 2023

Frederick County Code, Chapter 1-15

Section(s) 51 – 58

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad W. Young on behalf of County Executive Jessica Fitzwater

**AN ACT** to: Establish the Frederick County Rustic Roads Commission.

Date Council Approved: 11/7/2023 Date Transmitted to Executive: 11/9/2023

Executive: Jessica Fitzwater Date Received: 11/9/2023

Approved: ✓ Date: 11/9/23

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

Date returned to Council by County Executive with no action: \_\_\_\_\_

By amending:

Frederick County Code, Chapter 1-15 Section(s) 51-58

Other: \_\_\_\_\_

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Underlining

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\* \* \*

*Heading or defined term.*

*Added to existing law.*

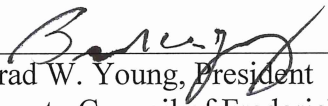

*Deleted from existing law.*

*Existing law unaffected by bill.*

Bill No. 23-18

The County Council of Frederick County, Maryland, finds it necessary to establish the Frederick County Rustic Roads Commission; providing for the composition, meeting standards, term, and compensation of members, and powers and duties of the Rustic Roads Commission; and matters generally relating to the Rustic Roads Commission.

NOW, THEREFORE, BE IT IN ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended by adding Article XI to Chapter 1-15, as shown on the attached Exhibit 1.

  
\_\_\_\_\_  
Brad W. Young, President   
County Council of Frederick County,  
Maryland

CHAPTER 1-15: ROADS AND BRIDGES

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ARTICLE XI. RUSTIC ROADS COMMISSION

§1-15-51. Definitions

For the purposes of this Article, the following words and phrases shall have the meanings described below.

**CANDIDATE ROADS** is a list, created by the Rural and Scenic Roads Advisory Committee, of predominately tar and chip roads, which are the result of applying 3 objective criteria to all County roads: speed limits of 35 mph or less; less than 1000 trips per day; and not inside growth area planning zones or rural major subdivisions.

**DESIGNATED RUSTIC ROADS** refers to those roads that have been approved by the County Council for inclusion in the Rustic Roads program.

§1-15-52. Establishment, Powers.

- (A) The Frederick County Rustic Roads Program will be the successor to the Frederick County Rural Roads Program that was created by Resolution No. 02-23, and approved by the Board of County Commissioners on September 24, 2002.
- (B) The Rustic Roads Commission will administer the Rustic Roads Program which was approved by the County Executive on November 29, 2022.
- (C) The existing Rural Roads Program will be included under the jurisdiction of the Rustic Roads Commission.
- (D) Among its powers and duties, the Rustic Roads Commission shall:
  - 1) Adopt bylaws to govern its procedures and activities;
  - 2) Establish a nomination procedure for citizens to propose a road for inclusion into or removal from the Rustic Roads Program;
  - 3) Identify and oversee the designation of Designated Rustic Roads and Candidate Roads in Frederick County and submit recommendations to the County Executive and County Council;
  - 4) ~~[[Assist the County with]] Advise the County on~~ the protection of Designated Rustic Roads and Candidate Roads, to include the review of proposed substantial changes to these roads;
  - 5) Develop and encourage community efforts and resources for action on Designated Rustic Roads; and

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6) Consult with County staff, the County Executive, and the County Council as requested relative to specific **rustic** road preservation issues and related needs that may arise.

**7) Develop advisory standards and practices to be considered to maintain Designated and Candidate Rustic Roads, promote preservation, maintain the roads' eligibility, preserve character defining features, and ensure safety. The advisory standards and practices will also identify actions that are not considered maintenance, but changes or modifications that may negatively impact features that contribute to a rustic road's eligibility for designation.**

(E) In fulfilling its duties and responsibilities under this Article, the Rustic Roads Commission may consult and cooperate with federal, state, county, city, town, or other governmental or public agencies, commissions, and committees, citizens, community groups, academic institutions, and other entities on matters relating to rustic roads.

(F) The Division of Planning and Permitting will serve as staff to the Rustic Roads Commission, with a representative of the Division of Public Works assigned to the Rustic Roads Commission for advisory purposes.

**(G) When Frederick County receives a petition to open, close, or alter a Designated or Candidate Rustic Road, the petition will be submitted to the Rustic Roads Commission for timely comment. Any comments from the Commission will be included in the staff report submitted to the County Executive and County Council.**

#### **§1-15-53. Composition.**

(A) Subject to confirmation by the County Council, the County Executive shall appoint up to 7 members to the Rustic Roads Commission.

(B) Members of the Rustic Roads Commission shall have a demonstrable interest in rustic roads and relevant experience, knowledge, skills, and training that may include, but is not limited to:

- 1) Civil engineering;
- 2) Environmental science;
- 3) Farming;
- 4) Landscape architecture;
- 5) Parks and recreation management;
- 6) Law; and

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7) Historic Preservation.

**§1-15-54. Terms, Reappointments, Vacancies.**

- (A) The term of office of each of the members of the Rustic Roads Commission shall be for a period of 3 years, based on the County's fiscal year, July 1 to June 30. The terms of the members shall be staggered so that no more than 3 members are replaced each year. Initial appointments will be for 2 members to serve 1 year terms, 3 members to serve 2 year terms, and 2 members to serve 3 year terms.
- (B) Members may be reappointed but may not serve more than 2 full consecutive 3-year terms.
- (C) Any member may resign at any time by giving written notice of such resignation to the County Executive.
- (D) Vacancies shall be filled on the same basis as the original appointments for the unexpired terms. Members shall continue in office until their successors are appointed and qualified.
- (E) A Rustic Roads Commission member may be removed by the County Executive for cause.

**§1-15-55. Chair, Vice-Chair and Secretary.**

- (A) The Chair, Vice Chair, and Secretary will be selected by the members of the Rustic Roads Commission.
- (B) The terms of officers shall be one (1) year or until a successor shall be elected and qualified.
- (C) The duties and eligibility of officers shall be established by the Bylaws of the Rustic Roads Commission.

**§1-15-56. Meetings and quorum.**

- (A) The Rustic Roads Commission shall meet monthly, or more frequently, as determined by the Rustic Roads Commission members at a location in Frederick County that is open to the public and is ADA accessible. If the meeting is all or partly virtual, then it must be accessible to the public via a toll-free number so that members of the public can hear the meeting.
- (B) Meeting notices shall be publicized and minutes will be taken and approved by a majority of the members attending a meeting. The notices and minutes will be part of the public record of the Rustic Roads Commission.

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(C) A majority of the Rustic Roads Commission members shall constitute a quorum for the transaction of regular business.

(D) Any member of the Rustic Roads Commission who shall fail to attend at least 50% of the meetings during any period of 12 consecutive months shall be considered to have resigned, subject to confirmation by the County Council, the County Executive shall appoint a replacement.

**§1-15-57. Compensation.**

Members of the Rustic Roads Commission shall receive no compensation for their services.

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