

COUNTY COUNCIL

OF

TALBOT COUNTY

2023 Legislative Session, Legislative Day No.: November 14, 2023

Resolution No.: 351


Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, Mr. Stepp

A RESOLUTION TO ESTABLISH A VEHICLE WEIGHT LIMIT ON BLACK DOG ALLEY PURSUANT TO MD. CODE ANN., TRANSPORTATION § 25-102(A)(11) AND CHAPTER 134 OF THE TALBOT COUNTY CODE (ROADS ORDINANCE) IN ORDER TO REROUTE HEAVY TRUCK "THROUGH TRAFFIC"

By the Council: November 14, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, December 12, 2023 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:



Susan W. Moran, Secretary

A RESOLUTION TO ESTABLISH A VEHICLE WEIGHT LIMIT ON BLACK DOG ALLEY PURSUANT TO MD. CODE ANN., TRANSPORTATION § 25-102(A)(11) AND CHAPTER 134 OF THE TALBOT COUNTY CODE (ROADS ORDINANCE) IN ORDER TO REROUTE HEAVY TRUCK “THROUGH TRAFFIC”

WHEREAS, the Talbot County Roads Department has noted excess wear and tear to Black Dog Alley, a certain County-owned and maintained road east of U.S. Route 50 running between Cordova Road and Dover Road in Easton, Maryland (the “Affected Road”), due to heavy truck “through traffic;” and

WHEREAS, such heavy truck traffic causes Talbot County, Maryland (the “County”) to incur additional and unnecessary road maintenance expenses, both to repair the roads and to clean up rubbish and refuse that has fallen from unsecured vehicles onto the roadway; and

WHEREAS, such traffic poses a potential safety threat to conventional motorists and other users of the Affected Road, which was not designed to accommodate heavy truck traffic and is limited in width; and

WHEREAS, pursuant to Md. Code Ann., Local Gov’t § 10-206(a), the County Council of Talbot County (the “County Council”) may pass any ordinance, resolution, or bylaw not inconsistent with State law that may aid in executing and enforcing any power in Title 10 of the Local Government Article or may aid in maintaining the peace, good government, health, and welfare of the County; and

WHEREAS, pursuant to Md. Code Ann., Transportation § 25-102(a)(11), the provisions of the Maryland Vehicle Law do not prevent a local authority such as the County Council, in the reasonable exercise of its police power, from regulating through truck traffic and prohibiting trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided the local authority has designated an adequate alternate route for diverted truck traffic; and

WHEREAS, Chapter 134 (Roads and Bridges), § 134-4 of the Talbot County Code (the “Code”) authorizes the County Council to adopt and amend ordinances or regulations to govern all aspects of County roadways and bridges and to establish fines and penalties for violation thereof, and to enact laws providing appropriate administrative and judicial proceedings, remedies, civil penalties, and other sanctions for enforcement; and

WHEREAS, Section § 134-7(D) of the County Code authorizes the County Council to permanently restrict or close a County roadway or bridge in accordance with the requirements of law to protect the public safety or public or private property; and

WHEREAS, Section § 134-7.1(A) of the County Code authorizes the County Council, by resolution, to adopt regulations for preservation of County roadways that include restrictions or limitations upon the use of County roadways by vehicles or other equipment that cause more than ordinary wear and tear; and

WHEREAS, the County Council finds that establishing weight limit restrictions on Black Dog Alley as shown on Exhibit “A”, attached hereto and incorporated herein by reference as if fully set forth, will accomplish the goal of rerouting heavy truck traffic, thereby alleviating pressure on the Affected Road.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, as follows:

Section 1. Definitions. For purposes of this Resolution, the following terms shall have the meanings indicated:

“Combination” means the combination of a motor vehicle with one or more other vehicles propelled or pushed as a unit.

“Gross combination weight rating (GCWR)” means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle.

“Gross vehicle weight rating (GVWR)” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“Motor vehicle” means a vehicle that is self-propelled.

“Vehicle” means any device in, on, or by which any individual or property is or might be transported or towed on a road or highway.

Section 2. Weight Limits. Vehicles exceeding the following weight limits are prohibited from traveling on Black Dog Alley, which runs between Cordova Road (Maryland Route 309) and Dover Road (Maryland Route 331), as shown on Exhibit “A” attached hereto and incorporated herein by reference as if fully set forth (the “Regulated Road”):

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|------|-------------|
| GVWR | 17,000 lbs. |
| GCWR | 17,000 lbs. |

Section 3. Exceptions. The following vehicles are exempt from the weight limits set forth in the preceding section:

- (i) vehicles owned or operated by a federal, State, or local government entity or its employees;
- (ii) vehicles engaged in agricultural production or operations;
- (iii) vehicles responding to an emergency;
- (iv) vehicles belonging to owners of land located along or only accessible by the Regulated Road, provided the vehicles are routinely kept or stored on the land; and

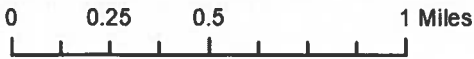
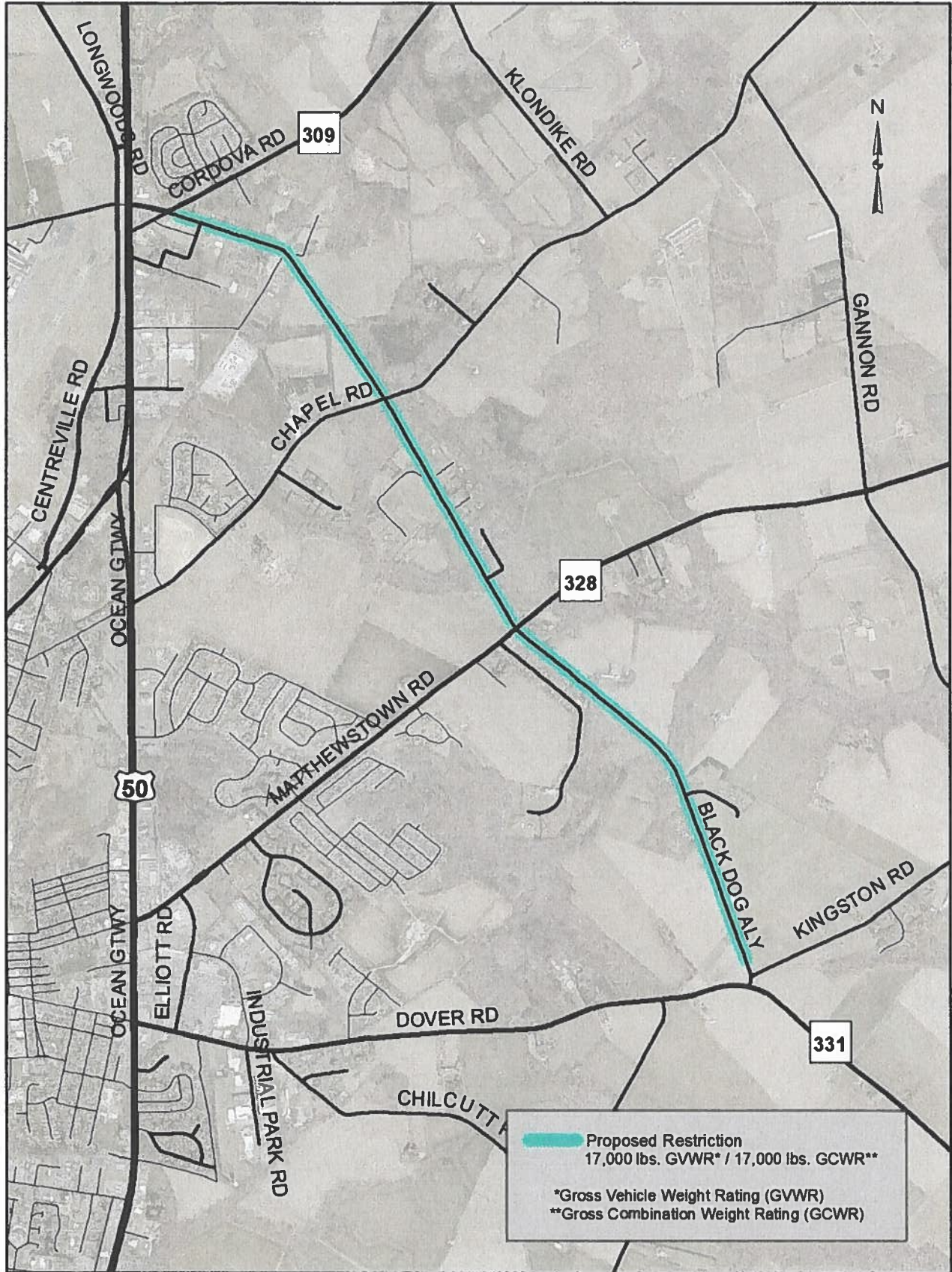
(v) vehicles used in connection with providing a bona fide service to landowners, tenants, or residents located along or only accessible by the Regulated Road. For illustration purposes only, a “bona fide service” includes delivering heating oil or other goods to the property, picking up trash or other items, and conducting work related to improving the property or any structures thereon.

Section 4. Alternate Route. In accordance with Md. Code Ann., Transportation § 25-102(a)(11), the County Council designates U.S. Route 50 as an adequate alternate route for vehicles exceeding the weight limits set forth in Section 2 herein.

Section 5. Posting. Signs shall be posted in accordance with any applicable federal, State, or local laws in such a manner as to reasonably advise vehicle operators of the weight limits and the prohibition on through traffic as set forth herein.

Proposed Vehicle Weight Limits

Exhibit A



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 351 having been published, a public hearing was held on Tuesday, December 12, 2023 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: **December 12, 2023**

By Order: *Susan W. Moran*
Susan W. Moran, Secretary

| | | |
|----------|---|-----|
| Callahan | - | Aye |
| Stepp | - | Aye |
| Leshner | - | Aye |
| Mielke | - | Aye |
| Haythe | - | Aye |

Effective: **December 12, 2023**