

STATE OF SOUTH CAROLINA )  
                                  )  
COUNTY OF MARLBORO )

ORDINANCE #531

**AN ORDINANCE TO PROVIDE CRITERIA FOR ACCEPTANCE OF PRIVATE  
ROADS INTO THE MARLBORO COUNTY ROAD SYSTEM**

**ARTICLE I**

**SECTION 1-1**

This ordinance shall be known as the "Expansion of the County Road System Ordinance of the County of Marlboro.

**SECTION 1-2**

This ordinance is adopted and amended pursuant to the authority granted under the statutes of South Carolina, Act No. 283 of 1975 and other applicable provisions of the 1976 Code of Laws of South Carolina, as amended.

**SECTION 1-3**

The purpose is to provide for the acceptance of a road into the County of Marlboro Road System by requiring that new additions meet certain safety and construction requirements. Roads that have previously met the residence requirements and have been accepted and maintained by the County will not be affected.

**ARTICLE II**

**SECTION 2-1**

The County Administrator is designated as the official to administer the provision of this ordinance. Duties of the County Administrator include, but are not limited to:

- A. A receipt of any petition to have a road or street admitted into the county system.
- B. The verification that the new road is in compliance with the criteria.
- C. The collection and presentation to County Road Committee and the County Council of all data necessary for that body to consider approval of the acceptance of the road or street into the county system.
- D. The performance of any related duties as directed by majority of the County Council.

- E. The 1976 Code of Laws of South Carolina as amended, 4-9-660 states "except for the purpose of inquiries and investigations, the Council shall deal with county employees who are subject to the direction and supervision of the County Administrator solely through the Administrator, and neither the Council nor its members shall give orders or instructions to its employees.

ARTICLE III

COUNTY ROADS: Any road or street by the county either by donation, purchase, adverse possession, condemnation, dedication, or having previously been accepted for maintenance by the county.

SUBDIVISION: Any division of a tract or parcel of land into two (2) or more lots, building sites or other division for the purpose, immediate or future, of sale, legacy or building development and includes all divisions of land involving a new street or road or a change in existing streets or roads and includes re-subdivision.

CUL DE SACS: Streets or roads designed to be closed at one end shall be no longer than two thousand (2000) feet and shall be terminated by a circular right of way with a radius of not less than fifty (50) feet.

OR

If a street or road designed to be closed at one end is longer than two thousand (2000) feet shall have a turn around every two thousand (2000) feet. (Example a road under the definition of cul-de-sac has a road four thousand (4000) feet shall have two turn arounds.)

The two thousand (2000) feet distance shall be measured from the nearest road or street intersection to the roads end.

GRADING Grading shall be consistent with curves, hills, creeks, streams, and bridges.

RIGHT-OF-WAY: The right-of-way width of county roads or streets is hereby established at sixty-six (66) feet, measured thirty three (33) feet from the center line. Where terrain or other factors make such right-of-way entirely impractical, an appeal to the Marlboro County Road Committee or approval of the County Council may be considered.

CLEARING & GRUBBING: Before grading is started the entire right of way shall be cleared of all trees, stumps, roots, brush, and any other objectionable material.

DEDICATION PERIOD: The dedication period shall be a period of two (2) years from the date the County initially accepts the road into the County System. If the road does not meet the minimum construction standard as prescribed in the road policy at the end of the two (2) year period, County shall utilize the bond or cash advancement deposited with the County Treasurer to bring the road up to the standard. In the event funds held by the Treasurer are not sufficient to cover the expenses to bring the road up to standard, the original petitioning party(s) will be responsible for the remaining expenses. The developer will be required to sell 50% of lots before the County will accept the roads.

ARTICLE IV

SECTION 4-1

It is hereby ordained by the County Council of Marlboro that County of Marlboro will not accept title to, easement for, or maintenance responsibility of any road or street unless such road or street meets the criteria of this ordinance.

SECTION 4-2

- A. The County of Marlboro will not accept rights-of-ways of less than sixty-six (66) feet for new road ways.
- B. In instances where the proposed roadway serves as a connection link or has the potential of becoming a link between two or more existing public roads, a sixty-six feet right of way will be required. This requirement shall be determined by the County Administrator and the County Council.

- C. The minimum right-of-way for extension on existing roads shall be sixty-six (66) feet.
- D. Additional right-of-way will be required by the County Council for excessive cuts and fill slope areas.
- E. Marlboro County will not accept any road right-of-way that does not connect with an existing public maintained road or street.
- F. Marlboro County shall not accept title or easement to any road until the road meets the dedication requirements of two (2) years. A bond or cash advancement shall be deposited with the county treasurer in the amount of cost per mile. (as outlined in G below)
- G. Triple treatment - \$8,000 per 1/4 mile; asphalt - \$15,000 per 1/4 mile; crush and run - \$4,000 per 1/4 mile.

SEEDINGS:

All constructed channels shall be uniform in cross sections and fully grassed, including any berms, dikes, spoil areas along the side of the channels. If a good planting or permanent grassing cannot be established, the developer (owner) may sign agreement that he will be responsible for the channels until such time as they are acceptable by the county.

<u>Cover</u>	<u>Slope %</u>	<u>Permissible velocity FPS</u>
Bermuda Grass	0-5	8
	5-10	7
	over 10	6
Buffalo Grass	0-5	7
Kentucky Blue Grass	5-10	6
Smooth Broome	over 10	5
Lespediza Sericea	0-5	3.5

The above are the only acceptable permanent grasses.

ARTICLE V

SECTION 5-1

- A. Before preparation and submission of the preliminary plat to the Public Works Director, the developer should meet with the Public Works Director and the County's designated engineer.

B. The developer shall submit the following documents at the initial meeting as outlined in paragraph (A) above:

1. Location of roads or subdivision.
2. All drawings shall be one (1) inch equal 200, 100 or 50 feet.
3. Name of development; name, address, surveyors and owners of abutting properties.
4. Location of water course, culverts, bridges, and where all drainage will be placed.
5. Lay out of lots.
6. Type of subdivision if applicable.
7. Type of road (example) triple treatment, asphalt, etc.
8. List the type of utilities involved to include fire protection if applicable.
9. Proposed roads with names if applicable.
10. Maps with topographical contours at no more than two (2) feet vertical intervals (pre and post development).

SECTION 5-2

The following steps and procedures shall be followed:

1. Advisory conference with the Public Works Director and the designated County engineer.
2. Preliminary plat review and/or approval by the Public Works Director, Designated County Engineer, Road Committee, and member from Council District. The type of road required shall be determined by all those designated in this item.
3. Clearing and grubbing of road right-of-way.
4. Completion of rough grading and drainage requirements. It shall be the responsibility of the developer to install and maintain driveways until such time the dedication period is satisfied.
5. Completion of sub-grade, and application of gravel or application of pavement, etc.
6. Dedication period of two (2) year anniversary from completion and bond or cash posted.
7. Consideration of acceptance by County Council.

ARTICLE VI

SECTION 6-1

- A. Proposed streets or roads should be coordinated with the present system in the surrounding areas and where possible, should provide for the construction of existing streets or roads.
- B. The arrangement of streets and roads shall not cause a hardship.
- C. Street and road grades shall be consistent with the topography, classification and function of the proposed road. In no case should the road or street grade exceed twelve (12) percent.
- D. Turn-arounds shall be provided at the closed end of all streets and roads and shall have a minimum of fifty (50) feet radius. Pavement width within the turn-around shall have a minimum curve radius of forty (40) feet.
- E. No more than two (2) streets shall intersect at any angle of less than seventy five (75) degrees.
- F. All streets and roads shall have official DOT stop signs, speed limit signs, curve, hill, bridge markings and official Marlboro County road name signs in place before Council acceptance.
- H. Adequate vision clearance shall be maintained at all intersections. Set backs should be dictated on plat and deeds.

ARTICLE VII

SECTION 7-1

- A. All proposed streets and roads shall be graded, constructed and surfaced in accordance with the requirements of this ordinance and with appropriate standard and specification established by the State of South Carolina and Marlboro County or their duly authorized agents.
- B. The graded property of all streets and roads shall not be less than forty eight (48) feet from center ditch line, to end of ditch providing a finished road bed of not less than twenty-two (22) feet.
- C. All shoulders and slopes shall be shaped, trimmed, and compacted. The construction shall be so performed that the shoulders, adjacent ditches and slopes will at all

times, be adequately drained. All shoulders on the earth type base course for a width of eighteen (18) inches shall be compacted. All back slopes shall be graded to a minimum of forty-five (45) degrees. Ditches or gutters emptying from cuts to embankments shall be constructed to avoid erosion of the embankment.

BURIED UTILITIES:

Any underground electrical, telephone, cable TV, water-sewer, and natural gas lines shall be buried in the right-of-way at a depth of 36" and at least 36" off pavement.

ARTICLE VIII

SECTION 8-1

- A. The diameter of all culverts shall be determined by the county using history and runoff data available at the USDA Soil and Conservation Service.

No culvert less than eighteen (18) inches in diameter will be acceptable. The length of the culvert will be determined by the height of the fill, but shall be of sufficient length to provide a minimum twenty two (22) foot wide finished road bed.

- B. All concrete culverts shall conform to AASHO M170 state requirements and only steel reinforced concrete culvert will be acceptable.
- C. All pipe shall be laid in a trench in all cases where possible. Trenches shall be excavated to the required grade and to a width sufficient to allow for proper joining of the pipe and compaction of the back fill under and around the pipe. The trench bottom shall be shaped to fit the bottom of the pipe and shall have recesses shaped to fit any projected hubs or bells. All culverts shall have a minimum of twelve (12) inches fill above the top of the culvert, excluding pavement or its base. All culverts shall be installed per SCDOT minimum specifications.

STORM DRAINS - CATCH BASINS:

Catch basins may be required to receive surface water from road side gutters or swales into piped or open ditch drains. Standard manholes and covers, inside step and gutter gratings may be required for some installations. The Public Works Director in conjunction with the designated engineer will direct the application when applicable.

All culverts shall be designed to pass the peak rate of runoff from at least 25 year rain fall return frequency for a one (1) hour storm. Drainage is extremely important to the longevity of any road system.

Dedicated drainage easements are required for culverts or ditches not on the right-of-way. A copy of the approved SCDHEC storm water management permit is required.

ARTICLE IX

SECTION 9-1

- A. Sub-grade. The work shall consist of the construction and preparation of the sub-grade on that part of the roadway intended to receive pavement, sidewalks, curbs, gutters, base course and/or shoulders.
- B. All soft, unstable or unsuitable material which will not compact readily, shall be removed and replaced with satisfactory material. All trees, stumps, vegetation, rock and boulders shall be removed or broken off to a depth of not less than twelve (12) inches below the surface of the sub-grade.
- C. All soil must be compacted so holes, ruts or depressions will not form or develop. Compaction is extremely important to longevity of any road system.

ARTICLE X

SECTION 10-1

Base Course:

- A. The base course work shall consist of an SCDOT approved graded aggregate base course not less than six (6) inches compacted thickness for bituminous surfacing.
- B. The base course work shall consist of an SCDOT approved graded aggregate base course not less than six (6) inches compacted thickness for plant mix pavement constructed on a prepared sub-grade.
- C. After base course of six (6) inches compacted of an SCDOT approved graded aggregate base course has been applied, the minimum finish of asphalt shall be two (2) inches thick.
- D. For Crush and Run roads only - a minimum of 6" of compacted sand clay base or 4" of compacted SCDOT approved graded aggregate with 4" of compacted crush and run surface meeting SCDOT CR14 aggregate requirements.

ARTICLE IX

SECTION 11-1

- A. Rolling and Finishing: Shall start at the edge and proceed toward the center, except on super elevated curves where rolling shall proceed from the lower to the upper side and continue until the aggregate are firmly set.
- B. Finished road shall be crowned 2% or elevated from the shoulder to center line.
- C. Pavements: Hot laid asphalt (plant mix) or bituminous (triple treatment) will be acceptable. All pavements shall be a minimum of twenty (22) feet in width.
- D. All plant mixed asphalt paving materials shall conform to standard specifications for highway construction and shall be placed in accordance with SCDOT specifications.
- E. The surface of the mixture after compaction shall be smooth and true to establish crown and grade. Any mixture that becomes loose or broken, mixed with dirt, or in any way defective shall be removed and replaced with fresh mix which shall be immediately compacted to conform with the surrounding area. Joints between old and new pavement or between strips shall be made in such a manner as to insure proper bond between the old and new surface.
- F. Bituminous surfacing shall consist of a wearing surface of applications of bituminous material and spreading of aggregate, constructed on prepared base.

Emulsified asphalt shall be CRS or its equivalent and shall conform to the requirements of AASHO M208.

- G. The following schedule shall be followed in the construction of bituminous surfacing:
1. 40 - 50 pounds per surface square yard #5 stone
  2. .50 -.55 gallons per square yard CRS-2
  3. 28 - 32 pounds per square yard #6 M stone
  4. .40 -.45 gallons per square yard CRS-2
  5. 14 - 17 pounds per square yard #89 M stone
  6. .30 -.35 gallons per square yard CRS-2
  7. 8 - 12 pounds per square yard (course creek sand)

- H. Each layer shall be rolled immediately, with steel wheel rollers. After layers have been spread, it shall be uniformed by light brooming as each is laid to obtain a smooth surface.
- I. Immediately after the paving process is completed, shoulders shall be leveled to the pavement edge.
- J. Crush and Run surfacing shall consist of a SCDOT CR14 aggregate.

ARTICLE XII  
SECTION 12-1

Bridges

All bridges shall be approved in advanced by the Office of the County Administrator. A P.E. sign off is required on design and construction of a bridge. All piling shall be treated to eighteen (18) pounds per cubic foot and shall conform to the following:

- 1. Under 26 feet length - 11 inches diameter measured 36 inches from butt end.
- 2. 26 - 50 foot inclusive length - 12 inches diameter measured 36 inches from butt end.
- 3. 51 - 70 foot inclusive length - 13 inches diameter 36 inches from butt end. The minimum penetration into original ground for any pile shall not be less than ten (10) feet in firm material and not less than sixteen (16) feet in soft material or sand.
- 4. All lumber shall be treated twelve (12) pounds per cubic foot minimum, and shall be of dense structured grade, sixty five (65) percent strength ratio conformation to Southern Pine Inspection Bureau.
- 5. Concrete bridges on treated piling will be acceptable.

ARTICLE XIII  
POLICY STATEMENTS

SECTION 13 -1

- A. The final acceptance of a road by the county does not imply the road will be widened, improved or stabilized at any time. Type of roads considered for acceptance by the County of Marlboro:
  - 1. Triple Treatment
  - 2. Asphalt
  - 3. Gravel (Crush and Run) Surface

- B. No paving will be allowed on wet surfaces or when the temperature is below 45 degrees or shade temperature in 40 degrees Fahrenheit or below.

ARTICLE XIV

SECTION 14-1

- A. Assistance: The County Administrator or the Director of Public Works shall provide assistance to the general public, developers, and contractors.
- B. A copy of the road specifications will be available in the Office of the Director of Public Works.
- C. Upon satisfactory evidence that the road meets the requirements as specified in this ordinance, the Council upon considering all information may accept responsibility for its maintenance.

ARTICLE XV

SECTION 15-1

- A. Naming of roads: The choice of names for roads shall be submitted to the Building Codes Officer by the developer. It is recommended that three (3) choices per road or street be submitted.
- B. Where there is no developer or subdivision, property owners on the street or road shall submit three (3) name choices to the Building Codes Officer for naming of a new road or street.
- C. The changing of a street name to include roads shall be presented to the Marlboro County Building Codes officer.
- D. The proposed names will be checked for duplication. If no duplication is found, the Building Codes Officer will submit to the County Administrator for approval by County Council.

Article XVI

SECTION 16-1

ROAD CLOSING

- A. In the event a property owner wishes to relocate a road, such relocations shall be in accordance with sections of the South Carolina Code of Laws, 1976 as amended.

- B. In the event the County wishes to abandon maintenance on a road without closing such road, it shall do so in accordance with the South Carolina Code of Laws, 1976 as amended.
- C. Road work requested
  - 1. In the event that a road or street repairs are requested by the Superintendent of Education or his designated representative or the United States Postal Service, this work will be allowed with the approval of the County Administrator.
  - 2. The County Council, through the County Administrator will allow drive way repairs, considered private, where school bus travel and park. This request must come from the Superintendent of Education.
  - 3. Any other request shall be approved by the Marlboro County Council, except where a safety hazard exist which requires immediate action by county personnel and authorized by the County Administrator.

ARTICLE XVII  
SECTION 17-1

Criteria for Acceptance

- A. Submission of affidavits, plats, deeds or court orders, signed by all appropriate individuals. Recommendations from the Director of Public Works and Councilman from which the road lies in his or her district. The Director of Public Works shall be given notice of three (3) working days for inspection.
- B. There shall be no barriers, chains, gates or fences which would block any portion of road or streets that would restrict movement of the traveling public. There should be no question that such road is a public road.
- C. The developer or contractor shall provide a performance bond with a two year warranty as outlined in Article III under Dedication Period.
- D. All road signs, including stop, speed limit, curve, yield, hill, road name, and bridge marking must be in place.
- E. All utilities shall be located off roadbed, easement, shall not be laid in ditch or curb lane. The middle

of the road or roadbed shall not be used for water, sewer, telephone, gas, electric or cable TV. All utilities shall be placed at the outer most portion of the right-of-way.

- F. The county may require the developer, contractor, or owner to conduct soil testing to determine the quality of soil in roadbed and right-of-way.

ARTICLE XVIII  
SECTION 18-1

Exceptions:

- A. The County Council may accept a narrower right-of-way if the Council determines the acceptance is in the best interest of the traveling public.
- B. The County Council shall not accept any right-of-way less than forty (40) feet.
- C. The County Council may accept a developers cash bond issued by authorized insurance or bonding company. The cash bond must be in cash or certified check. The cash bond or certified check will be held by the Marlboro County Treasurer. A letter of credit may be accepted in lieu of cash or certified check for a period of twenty four (24) months.

ARTICLE XIV  
SECTION 19-1

Cutting of trees, branches, limbs, and other obstruction

- A. Dead trees, low limbs or branches in the right-of-way will be cut by the county maintenance personnel and equipment, as well as weeds, grass or brush that limit sight distance on county maintained roads.
- B. All limbs, branches and other obstructions that hang over or into a county maintained road will be cut to insure safety and sight regardless of ownership of right-of-way. The county will only cut or trim what is necessary to insure the safety of the traveling public.

ARTICLE XX  
SECTION 20-1

A separate standard of access and road management has been developed by the Marlboro County Council for the sole purpose of having existing county dedicated roads paved using

funds allocated and managed through the County Transportation Committee. The purpose of this separate standard is to allow roads to be paved in a reasonable manner. Under no circumstances will safety to the traveling public be compromised. Roads submitted to be paved under the standards shall be approved by the Marlboro County Council and the County Transportation Committee.

Minimum Standards:

- A. Pavement shall not exceed dedicated right-of-way. In some cases Ditch to Ditch.
- B. Mail and Newspaper boxes must meet U. S. Postal standards.
- C. Road shall not dead end unless cul-de-sac or acceptable turn around is established.
- D. Utilities shall not be located under the road or pavement except where necessary and approved by the Public Works Director.
- E. All blind spots shall be removed to provide for the efficiency and safety movement of traffic.
- F. Each access shall be constructed in a manner that prevents storm water flow from causing hazards to vehicles or property. Pipes or ditches should be constructed to prevent erosion or flooding of road and adjoining property.
- G. All bridges or culverts should allow for two-way traffic. If that cannot be established economically, the bridges or culvert shall be well marked on both ends so the traveling public will be aware of "ONE WAY BRIDGE."
- H. All pavement shall conform to CRS and AASHO M208 Standards. No paving material shall be laid on a Road Bed that is unstable.

ARTICLE XXI  
SECTION 21-1  
Severability

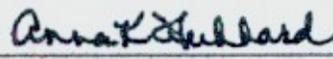
It is the intention of the County that each separate provision of this ordinance shall be deemed independent of all other provisions of herein, and it is the further intention for the County Council that if any provision of this ordinance be declared invalid all other provisions there of shall remain valid and enforceable.

**NOW THEREFORE BE IT ORDAINED**, by the Marlboro County Council in meeting duly assembled this 13th day of September, 2001.

  
\_\_\_\_\_  
G O'NEAL HAMILTON, CHAIRMAN  
MARLBORO COUNTY COUNCIL

(SEAL)

(ATTEST)

  
\_\_\_\_\_  
ANNA-K. HUBBARD, ADMINISTRATOR  
MARLBORO COUNTY COUNCIL

FIRST READING: 7/19/01  
SECOND READING: 8/9/01  
THIRD READING: 9/13/01