

MEMORANDUM

July 3, 2014

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Public Hearing:** Bill 21-14, Streets and Roads – Sidewalk Snow Removal Plan

Bill 21-14, Streets and Roads – Sidewalk Snow Removal Plan, sponsored by Councilmembers Riemer and Navarro, was introduced on April 22. A Transportation, Infrastructure, Energy and Environment Committee worksession is tentatively scheduled for July 28.

Bill 21-14 would require the Executive to develop a Sidewalk Snow Removal Plan. Although property owners are already required to remove snow and ice from sidewalks that are contiguous to their property within 24 hours after precipitation ends, recent snow storms have left County sidewalks covered with snow and ice for many days after a winter weather event. The Bill would require the Executive to develop a sidewalk snow removal plan that includes a:

- (1) digital map of the County that shows who is responsible for clearing snow and ice on each sidewalk in the County;
- (2) “major storm event” communications plan that addresses notice to County residents of a major storm event and the sidewalk snow and ice removal requirements in this Section;
- (3) targeted public education campaign about sidewalk snow and ice removal for owners of property in the County;
- (4) designation of pedestrian priority routes for targeted education and increased snow and ice removal enforcement;
- (5) public education campaign about how to request enforcement of this Section;
- (6) plan to provide extended hours for County personnel who receive snow and ice removal complaints during a major storm event;
- (7) plan for removal of snow and ice on publicly owned property; and
- (8) plan for trash removal during a major storm event.

This packet contains:

Bill 21-14

Legislative Request Report

Circle #

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Bill No. 21-14
Concerning: Streets and Roads –
Sidewalk Snow Removal Plan
Revised: April 16, 2014 Draft No. 2
Introduced: April 22, 2014
Expires: October 22, 2015
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Riemer and Navarro

AN ACT to:

- (1) require the Executive to develop a Sidewalk Snow Removal Plan; and
- (2) generally amend the law concerning the removal of snow and ice from sidewalks and pedestrian crossings in the County.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Section 49-17

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:

1 **Sec. 1. Section 49-17 is amended as follows:**

2 **49-17. Accumulation of snow and ice on property prohibited.**

3 (a) (1) A person is responsible for removing snow and ice on any
4 sidewalk, other walkway, shared use path, or parking area on or
5 adjacent to property that the person owns, leases, or manages,
6 including any walkway in the public right-of- way, to provide a
7 pathway wide enough for safe pedestrian and wheelchair use.
8 For purposes of this Section, commonly owned property between
9 a single-family residential lot and a common walkway is
10 considered part of the lot if the intervening common property
11 includes a walkway or driveway that serves only that lot.

12 (2) Except as provided in paragraph (4), each owner, tenant, or
13 manager is jointly and severally responsible for clearing snow
14 and ice from the property and complying with Section 31-26A(d).

15 (3) The requirements of this Section do not apply to:

16 (A) an unpaved walkway;

17 (B) a private walkway or parking area on the property of a
18 single-family residence;

19 (C) a public walkway behind a single-family residence that is
20 not directly accessible from the owner's property; or

21 (D) a walkway that:

22 (i) is at least 25 feet from vehicular traffic;

23 (ii) serves only pedestrian destinations that are also
24 accessible by another walkway that this Section
25 requires to be cleared;

26 (iii) was not routinely cleared of snow and ice after
27 August 1999; and

- 28 (iv) is not the primary route for pedestrian access to a
 29 winter recreational facility open to the public.
- 30 (4) (A) An individual who lives in a multi-family residential
 31 property is not responsible for removing snow and ice
 32 from a common walkway or parking area.
- 33 (B) A homeowners' association, as that term is used in State
 34 law, is not responsible for removing snow and ice from a
 35 walkway adjacent to a single-family residential lot, if the
 36 lot owner is responsible under paragraph (1) for removing
 37 snow and ice from that walkway.
- 38 (b) If ice or hardpacked snow is impossible or unreasonably difficult to
 39 remove, the person is responsible for applying sufficient sand, other
 40 abrasives, or salt to provide safe pedestrian use.
- 41 (c) The person is responsible for removing snow and ice within 24 hours
 42 after the end of the precipitation that caused the condition. If a
 43 snowplow redeposits snow or ice on a sidewalk or other walkway after
 44 a person has complied with this Section, the person is not responsible
 45 for clearing the walkway until 24 hours after the snowplow redeposited
 46 the snow or ice.
- 47 (d) The County Executive must designate a department to enforce this
 48 Section and may designate other County employees or contractors to
 49 enforce this Section.
- 50 (e) The Executive may order a different deadline or conditions for
 51 removing snow and ice during or immediately after a severe or unusual
 52 storm or other public-safety condition.
- 53 (f) In addition to any other remedy or penalty for a violation of this
 54 Section, the County may clear the snow and ice and charge the

55 responsible property owner for the cost, which the County may collect
56 in the same manner as property taxes.

57 (g) A violation of this Section is a class C violation. A person authorized to
58 enforce this Section must not issue a citation for a violation unless the
59 violation still exists 24 hours after a notice of violation. An authorized
60 enforcement officer may issue the notice of violation to any person
61 responsible under subsection (a) for clearing the snow or ice, or post the
62 notice in a conspicuous place on the property where the violation exists.
63 Each day a violation continues to exist is a separate violation, except for
64 a violation on or adjacent to a single-family residential property.

65 (h) Sidewalk Snow Removal Plan. The Executive must develop, update,
66 and publish on the County internet site a sidewalk snow removal plan
67 that includes a:

- 68 (1) digital map of the County that shows who is responsible for
69 clearing snow and ice on each sidewalk in the County;
- 70 (2) “major storm event” communications plan that addresses notice
71 to County residents of a major storm event and the sidewalk
72 snow and ice removal requirements in this Section;
- 73 (3) targeted public education campaign about sidewalk snow and ice
74 removal for owners of property in the County;
- 75 (4) designation of pedestrian priority routes for targeted education
76 and increased snow and ice removal enforcement;
- 77 (5) public education campaign about how to request enforcement of
78 this Section;
- 79 (6) plan to provide extended hours for County personnel who receive
80 snow and ice removal complaints during a major storm event;
- 81 (7) plan for removal of snow and ice on publicly owned property;

- 82 (A) at bus-stops and Metro stations;
- 83 (B) near schools;
- 84 (C) along State highways;
- 85 (D) along the highest priority pedestrian routes;
- 86 (E) in urban districts; and
- 87 (F) used for hiker-biker trails; and
- 88 (8) plan for trash removal during a major storm event.

89 *Approved:*

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Craig L. Rice, President, County Council

Date

91 *Approved:*

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Isiah Leggett, County Executive

Date

93 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 21-14

Streets and Roads – Sidewalk Snow Removal Plan

DESCRIPTION:	Bill 21-14 would require the Executive to develop a Sidewalk Snow Removal Plan.
PROBLEM:	Although property owners are already required to remove snow and ice from sidewalks that are contiguous to their property within 24 hours after precipitation ends, recent snow storms have left County sidewalks covered with snow and ice for many days after a winter weather event.
GOALS AND OBJECTIVES:	The goal of this Bill is to decrease the time sidewalks are covered with snow and ice after a major winter weather event.
COORDINATION:	DOT, DPS, Police
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Class C Violation