

Bill No. 21-14
Concerning: Streets and Roads -
Sidewalk Snow Removal Plan
Revised: October 21, 2014 Draft No. 3
Introduced: April 22, 2014
Enacted: October 21, 2014
Executive: Returned unsigned
Effective: February 3, 2015
Sunset Date: None
Ch. 33, Laws of Mont. Co. 2014

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

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(iv) is not the primary route for pedestrian access to a winter recreational facility open to the public.

(4) (A) An individual who lives in a multi-family residential property is not responsible for removing snow and ice from a common walkway or parking area.

(B) A homeowners' association, as that term is used in State law, is not responsible for removing snow and ice from a walkway adjacent to a single-family residential lot, if the lot owner is responsible under paragraph (1) for removing snow and ice from that walkway.

(b) If ice or hardpacked snow is impossible or unreasonably difficult to remove, the person is responsible for applying sufficient sand, other abrasives, or salt to provide safe pedestrian use.

(c) The person is responsible for removing snow and ice within 24 hours after the end of the precipitation that caused the condition. If a snowplow redeposits snow or ice on a sidewalk or other walkway after a person has complied with this Section, the person is not responsible for clearing the walkway until 24 hours after the snowplow redeposited the snow or ice.

(d) The County Executive must designate a department to enforce this Section and may designate other County employees or contractors to enforce this Section.

(e) The Executive may order a different deadline or conditions for removing snow and ice during or immediately after a severe or unusual storm or other public-safety condition.

(f) In addition to any other remedy or penalty for a violation of this 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.

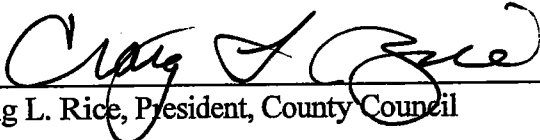
57 (g) A violation of this Section is a class C violation. A person authorized to
58 enforce this Section must not issue a citation for a violation unless the
59 violation still exists 24 hours after a notice of violation. An authorized
60 enforcement officer may issue the notice of violation to any 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 allocating available resources in a fair and equitable manner throughout
68 the County that includes a:

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

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

90 *Approved:*

91  10/22/14
Craig L. Rice, President, County Council Date

92 *Approved:*

93 Returned unsigned 11/3/14
Isiah Leggett, County Executive Date

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

95  11/4/14
Linda M. Lauer, Clerk of the Council Date




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

November 3, 2014

TO: Craig Rice, President
County Council

FROM: Isiah Leggett, County Executive 

RE: Bill 21-14 Streets and Roads – Sidewalk Snow Removal Plan

I have on my desk Bill 21-14, Streets and Roads - Sidewalk Snow Removal Plan. I am returning the Bill unsigned with the following comments and concerns for the Council's consideration.

First, let me make it clear that I support the goal of keeping sidewalks passable at all times. As you know, when I served on the County Council, I voted for the existing snow removal law, and I continue to support responsible and reasonable efforts to remove snow from sidewalks, regardless of ownership.

Since I took office, my goal has been to transform our County into a walkable community and one that fully complies with the law providing access for persons with disabilities. I proposed and have implemented the County's first comprehensive pedestrian safety plan. However, I believe that Bill 21-14, as written, raises unrealistic expectations about what the County can accomplish and has potential unintended adverse consequences.

My concerns are:

1. The bill requires development of a "plan" for snow removal on sidewalks that are not otherwise covered under current law. However, development of such a plan creates an expectation that it will be immediately and fully implemented.
2. Development of the plan alone will require significant resources that have yet to be allocated by the Council – approximately \$500,000.
3. We have estimated that the average annual cost to implement the additional snow removal called for under Bill 21-14 would be \$6 million, taking away funds from other worthwhile programs. Last year, this would have cost the County an

Craig Rice, Council President

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estimated \$10 million. I believe its implementation should be made expressly contingent on annual funding approval by the Council, and plan to submit an amendment to address this.

4. I am also concerned about the discussions of only providing snow removal on sidewalks in delineated priority areas that may leave other areas unserved.
5. I am very concerned that this bill will have the unintended consequence of opening the County to increased liability.

In preparation for the upcoming winter, I have directed the County's Office of Public Information to bolster the public education effort about the requirement to clear sidewalks, regardless of how we proceed on Bill 21-14.

As I have said, my Administration can develop a plan. However, I agree with Councilmember Leventhal that what is encompassed in Bill 21-14 could have been accomplished without passage of legislation that creates unrealistic goals and expectations.