

Bill No. 1-01
Concerning: Streets and Roads - Snow
Removal
Revised: Apr. 10. 2001 Draft No. 12
Introduced: January 23. 2001
Enacted: April 10. 2001
Executive: Returned unsigned
Effective: July 24. 2001
Sunset Date: None
Ch. 6, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Andrews, Leggett, and Silverman.

AN ACT to:

- (1) require property owners and occupants to remove snow and ice from certain walkways and parking areas;
- (2) prohibit obstruction of parking spaces reserved for handicapped individuals; and
- (3) generally amend County law regarding snow and ice removal and obstruction of certain parking areas.

By amending

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Section 31-26A
Chapter 49, Streets and Roads
Section 49-24A

Boldface	<i>Heading or defined term.</i>
Underlining	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
Double underlining	<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 **Section 1. Short Title.**

2 This Act may be cited as "The Pedestrian Winter Safety Act of 2001".

3 **Sec. 2.** Sections 31-26A and 49-24A are amended as follows:

4 **31-26A. [Same -] Parking [in] spaces reserved for handicapped individuals.**

5 (a) *Application and interpretation of this section.* This section applies to all
6 parking facilities that are open for use by members of the general public.

7 The requirements in this section are in addition to, not instead of, any
8 other federal, State, or local law regarding parking spaces reserved for
9 handicapped individuals.

10 (b) *How to tell when a parking space is reserved for handicapped*
11 *individuals.* A parking space is reserved for handicapped individuals if it
12 is designated by an official sign.

13 (c) *When a person may park a vehicle in a space that is reserved for*
14 *handicapped individuals.* An individual [may] must not park a vehicle
15 in a space reserved for handicapped individuals [if] unless:

16 (1) [An] an individual who will be getting into or out of the vehicle is
17 handicapped; and

18 (2) [In addition,] a special state registration plate for handicapped
19 individuals or a disabled person's parking permit is displayed on
20 or in the vehicle.

21 (d) *Obstructing a space reserved for handicapped individuals.* A person
22 who is responsible under Section 49-24A(a) for removing snow and ice
23 from a parking area must not at any time obstruct, or allow another
24 person to obstruct, any space in the parking area that is reserved for
25 handicapped individuals. This subsection applies to any type of
26 obstruction, other than a legally parked vehicle, such as plowed snow or
27 ice, construction materials, or an illegally parked vehicle owned or

28 controlled by the person. A natural accumulation of snow or ice in a
 29 parking area reserved for handicapped individuals is not an
 30 "obstruction" under this subsection, but must be removed when and as
 31 required by Section 49A-24A.

32 **49-24A. Accumulation of snow and ice on [commercial, multi-family and**
 33 **industrial] property prohibited.**

34 (a) [Owners and managers of commercial and multi-family properties, and
 35 industrial properties in commercial and office use, shall be jointly and
 36 severally responsible for removing snow and ice to the extent necessary
 37 to provide safe pedestrian pathways along sidewalks and walkways (1)
 38 between parking areas on those properties and entrances to the buildings
 39 and (2) between stopping points for bus transportation adjacent to those
 40 properties and entrances to the buildings. It is the intent that the pathway
 41 be wide enough for safe pedestrian use.]

42 (1) A person is responsible for removing snow and ice on any
 43 sidewalk, other walkway, or parking area on or adjacent to
 44 property that the person owns, leases, or manages, including any
 45 walkway in the public right-of-way, to provide a pathway wide
 46 enough for safe pedestrian and wheelchair use.

47 (2) ~~[[An]]~~ Except as provided in paragraph (4), an owner, tenant, or
 48 manager is jointly and severally responsible for clearing snow
 49 and ice from the property and complying with Section 31-26A(d).

50 (3) ~~[[This requirement does]]~~ The requirements of this Section do not
 51 apply to:

52 (A) an un paved walkway;

53 (B) a private walkway or parking area on the property of a
 54 single-family residence.

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

57 (D) a walkway that is privately owned:

58 (i) used solely for recreation; and

59 (ii) not the primary route for pedestrian access to a
 60 winter recreational facility open to the public.

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

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

69 (b) If [an owner or manager is unable to remove] ice or hardpacked snow
 70 [from sidewalks, walkways or pathways as described in subsection (a)
 71 hereof, then the owner or manager shall apply] is impossible or
 72 unreasonably difficult to remove, the person is responsible for applying
 73 sufficient sand, other abrasives, or salt [so as] to provide safe pedestrian
 74 use.

75 (c) [Snow removal or sand or salt application shall be accomplished within
 76 twenty-four (24) hours from the time the precipitation stopped.] The
 77 person is responsible for removing snow and ice within 24 hours after
 78 the end of the precipitation that caused the condition. If a snowfall
 79 redeposits snow or ice on a sidewalk or other walkway after a person
 80 has complied with this Section, the person is not responsible for clearing

81 the walkway until 24 hours after the snowfall redeposited the snow or
82 ice.

83 (d) [The police department shall be responsible for enforcing the provisions
84 of this section.] The County Executive must designate a department to
85 enforce this Section and may designate other County employees or
86 contractors to enforce this Section.

87 (e) The [county executive is authorized, in his discretion, to issue orders
88 modifying the time and] Executive may order a different deadline or
89 conditions for [clearing sidewalks and walkways taking into
90 consideration the variable situations that may arise in connection with
91 the fall of precipitation and its contemplated removal] removing snow
92 and ice during or immediately after a severe or unusual storm or other
93 public-safety condition.

94 (f) In addition to any other remedy or penalty for a violation of this
95 Section, the County may clear the snow and ice and charge the
96 responsible property owner for the cost, which the County may collect
97 in the same manner as property taxes.

98 [(f)]

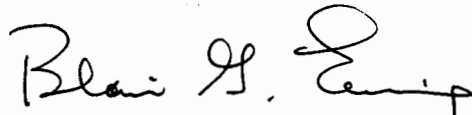
99 (g) [Any person violating any of the provisions of] A violation of this
100 [section shall be subject to punishment for] Section is a class C violation
101 [as set forth in section 1-19 of chapter 1 of the County Code. Each day a
102 violation of the provisions of this chapter shall continue to exist shall
103 constitute a separate offense]. A person authorized to enforce this
104 Section must not issue a [[notice of violation]] citation for a violation
105 unless the violation still exists 24 hours after a [[written warning]]
106 notice of violation. An authorized enforcement officer may issue the
107 [[warning]] notice of violation to any person responsible under

108 subsection (a) for clearing the snow or ice. or most the [[warning]] notice
109 in a conspicuous place on the property where the violation exists. Each
110 day a violation continues to exist is a separate violation. except for a
111 violation on or adjacent to a single-family residential property.

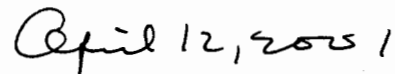
112 **Sec. 3. Enforcement.**

113 The County Executive must make the initial designation referred to in Section
114 49-24A(d), as amended by Section 2 of this Act, not later than 90 days after this Act
115 becomes law. Notwithstanding this 90-day deadline, any prior statutory or Executive
116 designation of authority to enforce Code Section 49-24A remains in effect until the
117 Executive makes the initial designation.

118 *Approved:*

119 

Blair G. Ewing, President, County Council'



Date

120 *Approved:*

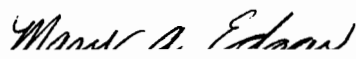
121 RETURNED UNSIGNED

Douglas M. Duncan, County Executive

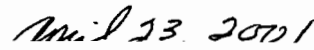
APRIL 23, 2001

Date

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

123 

Mary A. Edgar, CMC, Clerk of the Council



Date