

Emergency Bill No. 34-01  
Concerning: Streets and Roads - Snow  
Removal - Amendments  
Revised: Oct. 12, 2001 Draft No. 4  
Introduced: October 16, 2001  
Enacted: November 6, 2001  
Executive: Returned Unsigned  
Effective: November 20, 2001  
Sunset Date: None  
Ch. 26, Laws of Mont. Co. 2001

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Leggett

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### AN EMERGENCY ACT to:

- (1) clarify the responsibility to remove snow and ice from certain commonly owned walkways adjacent to single-family residences;
- (2) limit the responsibility to clear snow and ice from certain secondary walkways; and
- (3) generally amend County law regarding snow and ice removal.

### By amending

Montgomery County Code  
Chapter 49, Streets and Roads  
Section 49-24A

<b>Boldface</b>	<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           **Section 1. Section 49-24A of the Code is amended as follows:**

2   **49-24A. 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, or parking area on or adjacent to  
5                    property that the person owns, leases, or manages, including any  
6                    walkway in the public right-of-way, to provide a pathway wide  
7                    enough for safe pedestrian and wheelchair use. For purposes of  
8                    this Section, commonly owned property between a single-family  
9                    residential lot and a common walkway is considered part of the  
10                   lot if the intervening common property includes a walkway or  
11                    driveway that serves only that lot.

12           (2) Except as provided in paragraph (4), [an] 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 [is privately owned]:

22                           (i) [used solely for recreation; and] is at least 25 feet  
23                           from vehicular traffic;

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

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

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[(ii)]

(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

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

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

67 **Sec. 2. Emergency Effective Date.**

68 The Council declares that an emergency exists and that this legislation is  
69 necessary for the immediate protection of the public health and safety. This Act  
70 takes effect on the date on which it becomes law.

71 *Approved:*

72 Blair G. Ewing 11/8/01  
Blair G. Ewing, President, County Council Date

73 *Approved:*

74 RETURNED UNSIGNED 11/19/01  
Douglas M. Duncan, County Executive Date

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

76 Mary A. Edgar 11/20/01  
Mary A. Edgar, CMC, Clerk of the Council Date