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
Section 1. Section 49-24A of the Code is amended as follows:

49-24A. Accumulation of snow and ice on property prohibited.

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

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

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

(A) an unpaved walkway;

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

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

(D) a walkway that is privately owned:

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

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

(iii) was not routinely cleared of snow and ice after August 1999; and
([(ii)]
(iii) 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
responsible property owner for the cost, which the County may collect in the same manner as property taxes.

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

Sec. 2. Emergency Effective Date.

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

Approved:

Blair G. Ewing, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, Clerk of the Council