

Bill No. 31-04
Concerning: Streets and Roads—Snow
Removal—Amendments
Revised: _____ Draft No. 1
Introduced: September 14, 2004
Expires: March 14, 2006
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Leventhal and Knapp

AN ACT to:

- (1) establish a minimum snowfall amount that triggers sidewalk clearing by a homeowner's association; and
- (3) generally amend County law regarding snow and ice removal.

By amending

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

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 **Section 1.** Section 49-24A 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 property that
5 the person owns, leases, or manages, including any walkway in the
6 public right-of-way, to provide a pathway wide enough for safe
7 pedestrian and wheelchair use. For purposes of this Section, commonly
8 owned property between a single-family residential lot and a common
9 walkway is considered part of the lot if the intervening common
10 property includes a walkway or driveway that serves only that lot.

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

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

15 (A) an unpaved walkway;

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

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

20 (D) a walkway that:

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

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

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

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

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

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

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

70 *Approved:*

71 _____
Steven A. Silverman, President, County Council Date

72 *Approved:*

73 _____
Douglas M. Duncan, County Executive Date

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

75 _____
Mary A. Edgar, CMC, Clerk of the Council Date