Expedited Bill No. 46-16

Concerning: Streets and Roads – Snow Removal – Violations

Revised: 12/1/2016 Draft No. 4

Introduced: November 15, 2016

Enacted: December 13, 2016

Executive: December 19, 2016

Effective: December 19, 2016

Sunset Date: None

Ch. 40 , Laws of Mont. Co. 2016

**County Council**

**For Montgomery County, Maryland**

Lead Sponsor: Councilmember Riemer

Co-Sponsor: Councilmember Berliner

**AN EXPEDITED ACT** to:

(1) provide for penalties for violations of the law requiring removal of snow and ice on certain property; and

(3) 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

Article I, In General

Section 49-17

**Boldface** *Heading or defined term.*

Underlining *Added to existing law by original bill.*

**[**Single boldface brackets**]** *Deleted from existing law by original bill.*

Double underlining *Added by amendment.*

**[[**Double boldface brackets**]]** *Deleted from existing law or the bill by amendment.*

\* \* \* *Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Section 49-17 is amended as follows:**

**49-17. Accumulation of snow and ice on property prohibited.**

(a) (1) In this Section:

(A) *Commercial property* means real property that either:

 (i) is not designed for or intended for human habitation; or

 (ii) contains a multi-family dwelling of four or more units.

(B) *Residential property* means real property containing either:

 (i) a single family dwelling; or

 (ii) a multifamily dwelling of three or fewer units.

(2) A person is responsible for removing snow and ice on any sidewalk, other walkway, shared use path, 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)**]**(3) Except as provided in paragraph **[[**(4)**]]** (5), each 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)**]**(4) 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:

 (i) 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

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

**[**(4)**]**(5) (A) An individual who lives in a multi-family **[**residential property**]** dwelling 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.

\* \* \*

 (g) *Violations.*

(1) A violation of this Section is:

(A) on or adjacent to residential property, a class C violation; and

(B) on or adjacent to commercial property, a class A violation subject to a civil penalty of $250 for an initial offense, with penalties for repeat offenses according to Section 1-19.

(2) 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.

(3) 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. Expedited Effective Date:** The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

*Approved:*

/s/ 12/14/16

Roger Berliner, President, County Council Date

*Approved:*

/s/ 12/19/16

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

/s/ 12/21/16

Linda M. Lauer, Clerk of the Council Date