

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

By: Councilmember Leggett

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

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:

- 29 [(ii)]
30 (iv) is not the primary route for pedestrian access to a
31 winter recreational facility open to the public.
- 32 (4) (A) An individual who lives in a multi-family residential
33 property is not responsible for removing snow and ice
34 from a common walkway or parking area.
- 35 (B) A homeowners' association, as that term is used in State
36 law, is not responsible for removing snow and ice from a
37 walkway adjacent to a single-family residential lot, if the
38 lot owner is responsible under paragraph (1) for removing
39 snow and ice from that walkway.
- 40 (b) If ice or hardpacked snow is impossible or unreasonably difficult to
41 remove, the person is responsible for applying sufficient sand, other
42 abrasives, or salt to provide safe pedestrian use.
- 43 (c) The person is responsible for removing snow and ice within 24 hours
44 after the end of the precipitation that caused the condition. If a
45 snowplow redeposits snow or ice on a sidewalk or other walkway after
46 a person has complied with this Section, the person is not responsible
47 for clearing the walkway until 24 hours after the snowplow redeposited
48 the snow or ice.
- 49 (d) The County Executive must designate a department to enforce this
50 Section and may designate other County employees or contractors to
51 enforce this Section.
- 52 (e) The Executive may order a different deadline or conditions for
53 removing snow and ice during or immediately after a severe or unusual
54 storm or other public-safety condition.
- 55 (f) In addition to any other remedy or penalty for a violation of this
56 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 /S/	November 8, 2001
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Blair G. Ewing, President, County Council	Date

73 *Approved:*

74 RETURNED UNSIGNED	November 19, 2001
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Douglas M. Duncan, County Executive	Date

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

76 /S/	November 20, 2001
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Mary A. Edgar, CMC, Clerk of the Council	Date