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 Underlining [Single boldface brackets] Double underlining [[Double boldface brackets]]	Heading or defined term. Added to existing law by original bill. Deleted from existing law by original bill. Added by amendment. Deleted from existing law or the bill by amendment.
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	Existing any manyected by but.

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

Accumulation of snow and ice on property prohibited. 49-24A. 2 3 (a) (1) A person is responsible for removing snow and ice on any sidewalk, other walkway, or parking area on or adjacent to 4 5 property that the person owns, leases, or manages, including any walkway in the public right-of-way, to provide a pathway wide 6 7 enough for safe pedestrian and wheelchair use. For purposes of this Section, commonly owned property between a single-family 8 residential lot and a common walkway is considered part of the 9 lot if the intervening common property includes a walkway or 10 driveway that serves only that lot. 11 (2) Except as provided in paragraph (4), [an] 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 The requirements of this Section do not apply to: (3) 15 (A) an unpaved walkway; 16 a private walkway or parking area on the property of a (B) 17 single-family residence; 18 a public walkway behind a single-family residence that is 19 (C) not directly accessible from the owner's property; or 20 21 (D) a walkway that [is privately owned]: [used solely for recreation; and] is at least 25 feet (i) 22 from vehicular traffic; 23 (ii) serves only pedestrian destinations that are also 24 accessible by another walkway that this Section 25 requires to be cleared; 26 was not routinely cleared of snow and ice after 27 (iii) August 1999; and 28

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

Section 1.

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29				[(ii)]	
30				<u>(iv)</u>	is not the primary route for pedestrian access to a
31					winter recreational facility open to the public.
32		(4)	(A)	An ir	ndividual who lives in a multi-family residential
33				prope	erty is not responsible for removing snow and ice
34				from	a common walkway or parking area.
35			(B)	A ho	meowners' association, as that term is used in State
36				law,	is not responsible for removing snow and ice from a
37				walk	way adjacent to a single-family residential lot, if the
38				lot ov	wner is responsible under paragraph (1) for removing
39				snow	and ice from that walkway.
40	(b)	If ice	or har	dpacke	ed snow is impossible or unreasonably difficult to
41		remo	ve, the	person	n is responsible for applying sufficient sand, other
42		abras	ives, o	r salt to	o provide safe pedestrian use.
43	(c)	The p	person	is resp	onsible for removing snow and ice within 24 hours
44		after	the end	d of the	e precipitation that caused the condition. If a
45		snow	plow r	edepos	sits snow or ice on a sidewalk or other walkway after
46		a pers	son has	s comp	olied with this Section, the person is not responsible
47		for cl	earing	the wa	alkway until 24 hours after the snowplow redeposited
48		the sr	now or	ice.	
49	(d)	The C	County	Execu	ative must designate a department to enforce this
50		Section	on and	may d	lesignate other County employees or contractors to
51		enfor	ce this	Section	on.
52	(e)	The I	Executi	ive ma	y order a different deadline or conditions for
53		remo	ving sr	now an	nd ice during or immediately after a severe or unusual
54		storm	or oth	er pub	olic-safety condition.
55	(f)	In ad	dition 1	to any	other remedy or penalty for a violation of this
56		Section	on, the	Count	ty may clear the snow and ice and charge the

responsible property owner for the cost, which the County may collect 57 58 in the same manner as property taxes. A violation of this Section is a class C violation. A person authorized to 59 (g) enforce this Section must not issue a citation for a violation unless the 60 violation still exists 24 hours after a notice of violation. An authorized 61 enforcement officer may issue the notice of violation to any person 62 responsible under subsection (a) for clearing the snow or ice, or post the 63 notice in a conspicuous place on the property where the violation exists. 64 Each day a violation continues to exist is a separate violation, except for 65 a violation on or adjacent to a single-family residential property. 66 Sec. 2. **Emergency Effective Date.** 67 The Council declares that an emergency exists and that this legislation is 68 necessary for the immediate protection of the public health and safety. This Act 69 takes effect on the date on which it becomes law. 70 71 Approved: 72 /**S**/ November 8, 2001 Blair G. Ewing, President, County Council Date 73 Approved: 74 RETURNED UNSIGNED November 19, 2001 Douglas M. Duncan, County Executive Date 75 This is a correct copy of Council action. /S/ 76 November 20, 2001 Mary A. Edgar, CMC, Clerk of the Council Date