

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: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

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

2 **49-17. Accumulation of snow and ice on property prohibited.**

3 (a) (1) In this Section:

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

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

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

9 (B) Residential property means real property containing
10 either:

11 (i) a single family dwelling; or

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

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

22 [[2)](3) Except as provided in paragraph [[(4)]] (5), each owner,
23 tenant, or manager is jointly and severally responsible for
24 clearing snow and ice from the property and complying with
25 Section 31-26A(d).

26 [[3)](4) The requirements of this Section do not apply to:

27 (A) an unpaved walkway;

- 28 (B) a private walkway or parking area on the property of a
- 29 single-family residence;
- 30 (C) a public walkway behind a single-family residence that is
- 31 not directly accessible from the owner's property; or
- 32 (D) a walkway that:
 - 33 (i) is at least 25 feet from vehicular traffic;
 - 34 (ii) serves only pedestrian destinations that are also
 - 35 accessible by another walkway that this Section
 - 36 requires to be cleared;
 - 37 (iii) was not routinely cleared of snow and ice after
 - 38 August 1999; and
 - 39 (iv) is not the primary route for pedestrian access to a
 - 40 winter recreational facility open to the public.

41 [(4)](5) (A) An individual who lives in a multi-family
 42 [residential property] dwelling is not responsible for
 43 removing snow and ice from a common walkway or
 44 parking area.

45 (B) A homeowners' association, as that term is used in State
 46 law, is not responsible for removing snow and ice from a
 47 walkway adjacent to a single-family residential lot, if the
 48 lot owner is responsible under paragraph (1) for removing
 49 snow and ice from that walkway.

50 * * *

51 (g) Violations.

52 (1) A violation of this Section is:

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

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(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.

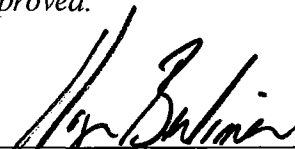
(2) A person authorized to enforce this Section must not issue a citation for a violation unless the violation still exists 24 hours after a notice of violation. An authorized enforcement officer may issue the notice of violation to any person responsible under subsection (a) for clearing the snow or 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:

 _____
Roger Berliner, President, County Council Date

12/14/16

Approved:

Isiah Leggett, County Executive Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council Date