



**Committee:** T&E  
**Committee Review:** At a future date  
**Staff:** Ludeen McCartney-Green, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #snowremoval

## SUBJECT

Bill 9-21, Streets and Roads – Sidewalk Snow Removal- Amendments  
Lead Sponsor: Councilmember Glass  
Co-Sponsors: Councilmembers Reimer, Katz, Council President Hucker and Councilmember Navarro

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

## DESCRIPTION/ISSUE

Bill 9-21 would define certain terms relating to sidewalks, establish an exception to the requirements for removal of snow and ice on private property and require removal of snow and ice by the County from certain sidewalks and paths.

## SUMMARY OF KEY DISCUSSION POINTS

- None

### This report contains:

Staff Report	Page 1
Bill 9-21	©1
Legislative Request Report	©9

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**MEMORANDUM**

February 18, 2021

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 9-21, Streets and Roads – Sidewalk Snow Removal- Amendments

PURPOSE: Introduction – no Council vote required

Bill 9-21, Streets and Roads – Sidewalk Snow Removal- Amendments, sponsored by Lead Sponsor Councilmember Glass and Co-sponsors, Councilmembers Reimer, Katz, Council President Hucker and Councilmember Navarro, is scheduled to be introduced on February 23, 2021. A public hearing is tentatively scheduled for March 16, 2021 at 1:30 p.m.<sup>1</sup>

Bill 9-21 would define certain terms relating to sidewalks, establish an exception to the requirements for removal of snow and ice on private property and require removal of snow and ice by the County from certain sidewalks and paths.

This packet contains:	<u>Circle #</u>
Bill 9-21	1
Legislative Request Report	9

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<sup>1</sup> #snowremoval

Bill No. 9-21  
Concerning: Streets and Roads –  
Sidewalk Snow Removal-  
Amendments  
Revised: 2/17/2021 Draft No. 4  
Introduced: February 23, 2021  
Expires: August 23, 2022  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Glass  
Co-Sponsors: Councilmembers Riemer, Katz, Council President Hucker and Councilmember  
Navarro

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**AN ACT** to:

- (1) define certain terms relating to sidewalks;
- (2) establish an exception to the requirements for removal of snow and ice on private property;
- (3) require removal of snow and ice by the County from certain sidewalks and paths; and
- (4) generally amend the law concerning the removal of snow and ice from certain sidewalks and paths in the County.

By amending

Montgomery County Code  
Chapter 49, Streets and Roads  
Section 49-17

**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.*

*Existing law unaffected by bill.*

*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)   Legislative Findings.

4           (1)   During significant winter storm events, Montgomery County's  
5           sidewalks often become impassable and covered in piles of snow  
6           that are pushed aside from the road as a result of County and State  
7           snow plows. The scope of the problem is prevalent on  
8           Montgomery County's busiest roads, where sidewalks are often  
9           within an arm's reach of traffic.

10          (2)   These blocked sidewalks often persist for days following the end  
11          of a snow storm, creating a significant pedestrian safety hazard that  
12          often forces pedestrians to walk in a lane with oncoming traffic.

13          (3)   County law allocates the responsibility of property owners to clear  
14          snow on a public sidewalk fronting their property within 24 hours  
15          of the end of snowfall. However, such clearing rarely occurs due  
16          to a variety of reasons, including the difficulty of removing the  
17          large piles of compacted snow and ice created by plow trucks.

18          (4)   The County, in its current operation, clears sidewalks in urban  
19          districts and approximately sixty (60) miles of sidewalks with no  
20          adjacent residential or commercial property owner outside of such  
21          areas.

22          (5)   Snow-covered and icy sidewalks adversely affect essential  
23          workers and commuters, who often travel by foot or public  
24          transportation, and must walk along high-traffic roads to get to bus  
25          stops and retail stores.

26          (6)   It is in the best interest of the County to adopt fair, reasonable and  
27          equitable legislation to address safety hazards and increase

28 walkability access on sidewalks for pedestrians during winter  
 29 storms.

30 [(a)] (b) (1) Definitions. In this Section:

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

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

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

36 (B) Residential property means real property containing  
 37 either:

38 (i) a single family dwelling; or

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

40 (C) Department means the Department of Transportation.

41 (D) Non-Buffered Sidewalk means a sidewalk along a roadway  
 42 that does not contain a grass strip or other physical  
 43 separation between the sidewalk and the adjacent curb or  
 44 road edge.

45 (E) Orphan Sidewalk means a sidewalk either abutting a State  
 46 or County road that may include any of the following areas:

47 (i) adjacent to a vacant lot;

48 (ii) an overpass with no adjacent commercial or  
 49 residential property adjoined; or

50 (iii) behind a residential or commercial property that is  
 51 not directly accessible from the owner's property and  
 52 is separated from the sidewalk by a fence, guardrail,  
 53 or change in elevation grade.

- 54 (2) A person is responsible for removing snow and ice on any  
55 sidewalk, other walkway, shared use path, or parking area on or  
56 adjacent to property that the person owns, leases, or manages,  
57 including any walkway in the public right-of- way, to provide a  
58 pathway wide enough for safe pedestrian and wheelchair use. For  
59 purposes of this Section, commonly owned property between a  
60 single-family residential lot and a common walkway is considered  
61 part of the lot if the intervening common property includes a  
62 walkway or driveway that serves only that lot.
- 63 (3) Except as provided in paragraph (5), each owner, tenant, or  
64 manager is jointly and severally responsible for clearing snow and  
65 ice from the property and complying with Section 31-26A(d).
- 66 (4) The requirements of this Section do not apply to:
- 67 (A) an unpaved walkway;
- 68 (B) a private walkway or parking area on the property of a  
69 single-family residence;
- 70 (C) a public walkway behind a single-family residence that is  
71 not directly accessible from the owner's property; [or]
- 72 (D) a walkway that:
- 73 (i) is at least 25 feet from vehicular traffic;
- 74 (ii) serves only pedestrian destinations that are also  
75 accessible by another walkway that this Section  
76 requires to be cleared;
- 77 (iii) was not routinely cleared of snow and ice after  
78 August 1999; and
- 79 (iv) is not the primary route for pedestrian access to a  
80 winter recreational facility open to the public; or

81 (E) any non-buffered sidewalk or path as specified under  
 82 Section 49-17(j), regardless if private property is fronting or  
 83 abutting the sidewalk.

84 (5) (A) An individual who lives in a multi-family residential  
 85 property is not responsible for removing snow and ice from  
 86 a common walkway or parking area.

87 (B) A homeowners’ association, as that term is used in State  
 88 law, is not responsible for removing snow and ice from a  
 89 walkway adjacent to a single-family residential lot, if the lot  
 90 owner is responsible under paragraph (1) for removing  
 91 snow and ice from that walkway.

92 [(b)] (c) \* \* \*

93 [(c)] (d) \* \* \*

94 [(d)] (e) \* \* \*

95 [(e)] (f) \* \* \*

96 [(f)] (g) \* \* \*

97 [(g)] (h) \* \* \*

98 [(h)] (i) *Sidewalk Snow Removal Plan.* The Executive must develop,  
 99 update, and publish on the County internet site a sidewalk snow removal  
 100 plan allocating available resources in a fair and equitable manner  
 101 throughout the County that includes a:

102 (1) digital map of the County that shows who is responsible for  
 103 clearing snow and ice on each sidewalk in the County;

104 (2) “major storm event” communications plan that addresses notice to  
 105 County residents of a major storm event and the sidewalk snow  
 106 and ice removal requirements in this Section;

- 107 (3) targeted public education campaign about sidewalk snow and ice
- 108 removal for owners of property in the County;
- 109 (4) designation of pedestrian priority routes for targeted education and
- 110 increased snow and ice removal enforcement;
- 111 (5) public education campaign about how to request enforcement of
- 112 this Section;
- 113 (6) plan to provide extended hours for County personnel who receive
- 114 snow and ice removal complaints during a major storm event;
- 115 (7) plan for removal of snow and ice on publicly owned property:
- 116 (A) at bus-stops and Metro stations;
- 117 (B) near schools;
- 118 (C) along State highways;
- 119 (D) along the highest priority pedestrian routes;
- 120 (E) in urban districts; and
- 121 (F) used for hiker-biker trails; and
- 122 (8) plan for trash removal during a major storm event.

123 (j) Sidewalk Snow Removal Required. The Executive must implement and  
 124 require the Department to remove or cause to be removed snow and ice  
 125 accumulation that exceeds three (3) inches or more from the last day of  
 126 precipitation within the following designated areas:

- 127 (1) orphan sidewalks; and
- 128 (2) non-buffered sidewalks or paths within the nineteen (19) arterial  
 129 roads prescribed below:
  - 130 (A) MD-187 Old Georgetown Road between Arlington Road  
 131 and Democracy Boulevard;
  - 132 (B) MD-355 Wisconsin Avenue between Chestnut Street and  
 133 Jones Bridge Road;



- 134 (C) Jones Bridge Road from MD-355 to Jones Mill Road.
- 135 (D) Middlebrook Road between
- 136 Waring Station Road and MD-118;
- 137 (E) MD-97 Georgia Avenue between Blueridge Avenue and
- 138 Glenallen Avenue;
- 139 (F) MD-97 Georgia Avenue between Hewitt Avenue and Bel
- 140 Pre-Road;
- 141 (G) MD-185 Connecticut Avenue between the Matthew Henson
- 142 Trail and MD-97;
- 143 (H) Randolph Road between Middlevale Lane and Rock Creek;
- 144 (I) MD-586 Veirs Mill Road between Galt Avenue and the
- 145 Matthew Henson Trail;
- 146 (J) MD-320 Piney Branch Road between Sligo Creek and the
- 147 Prince George's County line;
- 148 (K) MD-193 University Boulevard between Carroll Ave (MD-
- 149 195) and the Capital Beltway (I-495);
- 150 (L) MD-193 University Boulevard between Arcola Avenue and
- 151 Amherst Avenue;
- 152 (M) Flower Avenue between MD-320 and East Wayne Avenue;
- 153 (N) Carroll Avenue between MD-193 and MD-320;
- 154 (O) MD-650 New Hampshire Avenue between the Prince
- 155 George's County line and Lockwood Drive;
- 156 (P) Lockwood Drive between MD-650 and 11431 Lockwood
- 157 Drive;
- 158 (Q) Tech Road between Old Columbia Pike and Broadbirch
- 159 Drive;

- 160                    (R) Old Columbia Pike between Tech Road and Briggs Chaney  
161                    Road; and  
162                    (S) Briggs Chaney Road between Robey Road and U.S. 29.

## LEGISLATIVE REQUEST REPORT

Bill 9-21

*Streets and Roads – Sidewalk Snow Removal- Amendments*

<b>DESCRIPTION:</b>	Bill 9-21 would: <ul style="list-style-type: none"><li>• define certain terms relating to sidewalks;</li><li>• establish an exception to the requirements for removal of snow and ice on private property;</li><li>• require removal of snow and ice by the County from certain sidewalks and paths; and</li><li>• generally amend the law concerning the removal of snow and ice from certain sidewalks and paths in the County.</li></ul>
<b>PROBLEM:</b>	There are certain snow-covered sidewalks after a major winter storm that becomes impassable and poses a safety hazard for pedestrians.
<b>GOALS AND OBJECTIVES:</b>	The goal of this bill is to require the County to expand its existing scope and remove snow and ice from certain sidewalks.
<b>COORDINATION:</b>	Department of Transportation
<b>FISCAL IMPACT:</b>	To be provided.
<b>ECONOMIC IMPACT:</b>	To be provided.
<b>RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:</b>	To be provided.
<b>EVALUATION:</b>	To be provided.
<b>EXPERIENCE ELSEWHERE:</b>	Unknown
<b>SOURCE OF INFORMATION:</b>	Ludeen McCartney-Green, Legislative Attorney
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	Applies only to sidewalks and paths within the County.
<b>PENALTIES:</b>	Not applicable.