

Bill No. 9-21
Concerning: Streets and Roads –
Sidewalk Snow Removal-
Amendments
Revised: 2/15/2022 Draft No. 7
Introduced: February 23, 2021
Enacted: February 15, 2022
Executive: February 25, 2022
Effective: May 26, 2022
Sunset Date: None
Ch. 3, Laws of Mont. Co. 2022

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

- (1) define terms relating to sidewalks;
- (2) establish an exception to the requirements for removal of snow and ice on certain 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 sidewalks and paths in the County.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
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) 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 snowplows. The scope of the problem is prevalent on Montgomery
8 County's busiest roads, where sidewalks are often within an arm's
9 reach of traffic.

10 (2) These blocked sidewalks often persist for days following the end
11 of a snowstorm, 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
 47 areas]] and be located:

48 (i) adjacent to a vacant lot;
 49 (ii) an overpass with no adjacent commercial or
 50 residential property adjoined; or

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

55 (2) A person is responsible for removing snow and ice on any
 56 sidewalk, other walkway, shared use path, or parking area on or
 57 adjacent to property that the person owns, leases, or manages,
 58 including any walkway in the public right-of-way, to provide a
 59 pathway wide enough for safe pedestrian and wheelchair use. For
 60 purposes of this Section, commonly owned property between a
 61 single-family residential lot and a common walkway is considered
 62 part of the lot if the intervening common property includes a
 63 walkway or driveway that serves only that lot.

64 (3) Except as provided in paragraph (5), each owner, tenant, or
 65 manager is jointly and severally responsible for clearing snow and
 66 ice from the property and complying with Section 31-26A(d).

67 (4) The requirements of this Section do not apply to:
 68 (A) an unpaved walkway;
 69 (B) a private walkway or parking area on the property of a
 70 single-family residence;
 71 (C) a public walkway behind a single-family residence that is
 72 not directly accessible from the owner’s property; [or]
 73 (D) a walkway that:
 74 (i) is at least 25 feet from vehicular traffic;

75 (ii) serves only pedestrian destinations that are also
76 accessible by another walkway that this Section
77 requires to be cleared;

78 (iii) was not routinely cleared of snow and ice after
79 August 1999; and

80 (iv) is not the primary route for pedestrian access to a
81 winter recreational facility open to the public; or

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

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

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

93 [(b)] (c) * * *

94 [(c)] (d) * * *

95 [(d)] (e) * * *

96 [(e)] (f) * * *

97 [(f)] (g) * * *

98 [(g)] (h) * * *


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

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

- 124 (j) Sidewalk Snow Removal - Required. The Executive must implement a
125 plan and require the Department to remove or cause to be removed snow
126 and ice accumulation [[that exceeds three (3) inches]] from the last day
127 of precipitation within the following designated areas:
- 128 (1) orphan sidewalks; and
- 129 (2) non-buffered sidewalks or paths within the nineteen (19) arterial
130 roads prescribed below:
- 131 (A) MD-187 Old Georgetown Road between Arlington Road
132 and Democracy Boulevard;
- 133 (B) MD-355 Wisconsin Avenue between Chestnut Street and
134 Jones Bridge Road;
- 135 (C) Jones Bridge Road from MD-355 to Jones Mill Road[.];
- 136 (D) Middlebrook Road between
137 Waring Station Road and MD-118;
- 138 (E) MD-97 Georgia Avenue between Blueridge Avenue and
139 Glenallen Avenue;
- 140 (F) MD-97 Georgia Avenue between Hewitt Avenue and Bel
141 Pre-Road;
- 142 (G) MD-185 Connecticut Avenue between the Matthew Henson
143 Trail and MD-97;
- 144 (H) Randolph Road between Middlevale Lane and Rock Creek;
- 145 (I) MD-586 Veirs Mill Road between Galt Avenue and the
146 Matthew Henson Trail;
- 147 (J) MD-320 Piney Branch Road between Sligo Creek and the
148 Prince George's County line;

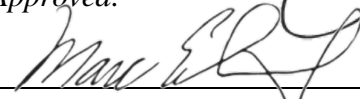
- 149 (K) MD-193 University Boulevard between Carroll Ave (MD-
 150 195) and the Capital Beltway (I-495);
- 151 (L) MD-193 University Boulevard between Arcola Avenue and
 152 Amherst Avenue;
- 153 (M) Flower Avenue between MD-320 and East Wayne Avenue;
- 154 (N) Carroll Avenue between MD-193 and MD-320;
- 155 (O) MD-650 New Hampshire Avenue between the Prince
 156 George’s County line and Lockwood Drive;
- 157 (P) Lockwood Drive between MD-650 and 11431 Lockwood
 158 Drive;
- 159 (Q) Tech Road between Old Columbia Pike and Broadbirch
 160 Drive;
- 161 (R) Old Columbia Pike between Tech Road and Briggs Chaney
 162 Road; and
- 163 (S) Briggs Chaney Road between Robey Road and U.S. 29.

Approved:



Gabriel Albornoz, President, County Council 2/16/2022
Date

Approved:



Marc Elrich, County Executive 2/25/2022
Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq. Clerk of the Council 2/25/2022
Date