

Montgomery County Snow Remove

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

(a) (1) A person is responsible for removing snow and ice on any sidewalk, other walkway, shared use path, or parking area on or adjacent to property that the person owns, leases, or manages, including any walkway in the public right-of-way, to provide a pathway wide enough for safe pedestrian and wheelchair use. For purposes of this Section, commonly owned property between a single-family residential lot and a common walkway is considered part of the lot if the intervening common property includes a walkway or driveway that serves only that lot.

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

(3) The requirements of this Section do not apply to:

(A) an unpaved walkway;

(B) a private walkway or parking area on the property of a single-family residence;

(C) a public walkway behind a single-family residence that is not directly accessible from the owner's property; or

(D) a walkway that:

(i) is at least 25 feet from vehicular traffic;

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

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

(iv) is not the primary route for pedestrian access to a winter recreational facility open to the public.

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

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

(b) If ice or hardpacked snow is impossible or unreasonably difficult to remove, the person is responsible for applying sufficient sand, other abrasives, or salt to provide safe pedestrian use.

(c) The person is responsible for removing snow and ice within 24 hours after the end of the precipitation that caused the condition. If a snowplow redeposits snow or ice on a sidewalk or other walkway after a person has complied with this Section, the person is not responsible for clearing the walkway until 24 hours after the snowplow redeposited the snow or ice.

(d) The County Executive must designate a department to enforce this Section and may designate other County employees or contractors to enforce this Section.

(e) The Executive may order a different deadline or conditions for removing snow and ice during or immediately after a severe or unusual storm or other public-safety condition.

(f) In addition to any other remedy or penalty for a violation of this Section, the County may clear the snow and ice and charge the responsible property owner for the cost, which the County may collect in the same manner as property taxes.

(g) A violation of this Section is a class C violation. 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. Each day a violation continues to exist is a separate violation, except for a violation on or adjacent to a single-family residential property. (1979 L.M.C., ch. 42, § 2; 1980 L.M.C., ch. 54, § 2; 1983 L.M.C., ch. 22, § 54; 1985 L.M.C., ch. 31, § 30; 2001 L.M.C., ch. 6, § 2; 2001 L.M.C., ch. 26, § 1; 2007 L.M.C., ch. 8, § 1.)

Editor's note—Section 49-17, formerly Section 49-24A, was renumbered and amended pursuant to 2007, ch. 8, § 1. Former Section 49-17 was renumbered Section 49-10 pursuant to 2007, ch. 8, § 1.

2001 L.M.C., ch. 6, § 1, states: This Act may be cited as “The Pedestrian Winter Safety Act of 2001.” 2001 L.M.C., ch. 6, § 3, states: Enforcement. The County Executive must make the initial designation referred to in Section 49-24A(d), as amended by Section 2 of this Act, not later than 90 days after this Act becomes law [July 24, 2001]. Notwithstanding this 90-day deadline, any prior statutory or Executive designation of authority to enforce Code Section 49-24A remains in effect until the Executive makes the initial designation.

1980 L.M.C., ch. 54, § 1, states: It is the legislative intent of the county council that the policy established by this Act would also apply to all publicly owned property in the county and therefore the council requests that all public agencies in the county consider the adoption of this policy by appropriate procedures.

Cross reference—Applicability of County legislation within municipal corporations, § 2-96.