

Sidewalk Snow Removal - Civil Enforcement

Ordinance

St Mary's County Department of Public Works & Transportation has received calls inquiring about Ordinance No. 2015-32 (Removal of Frozen Precipitation from Public Sidewalks and Streets) which states that the owner of any real property in St. Mary's County which is adjacent to any public sidewalk shall remove or cause to be removed any snow, ice or other frozen precipitation from the entire width of such sidewalk, including any adjacent driveway entrance, curb-cut or ramp, within seventy-two (72) hours after the end of the precipitation that caused the condition. Please refer to the ordinance for full legal information.

This Ordinance (*attached*) applies to all businesses and residents. If an owner leases the property, it is the owner's obligation to see that the tenant complies with the Ordinance.

All residents are encouraged to be good neighbors by assisting those who may be not physically able to do so. Contact your local church or other volunteer organization for assistance. Help your neighbor or friend, volunteer your time and equipment to assist the elderly or disabled. We all need assistance once in a while.

Why the Ordinance Exists

The ordinance protects the safety of every individual in St. Mary's County. It is important that the snow be removed from your sidewalk so people are able to walk and ride safely out of vehicular traffic. Under ADA regulations accessibility to sidewalks for disabled individuals is required. If you have any questions on this Ordinance, please contact the Department of Public Works & Transportation at 301-475-4200 ext *3517.

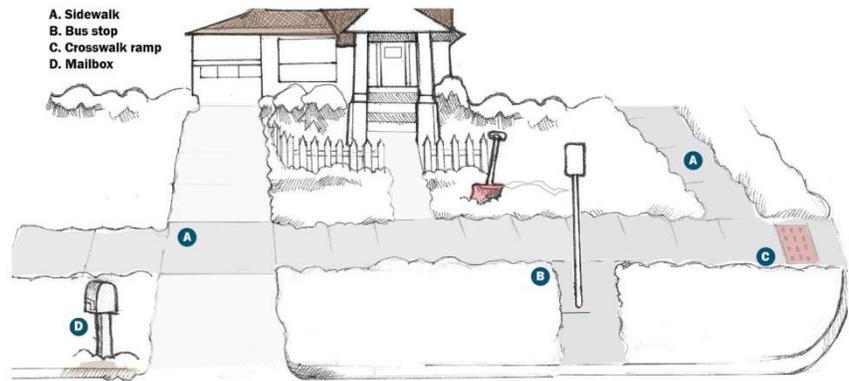
General Information

When it snows, St. Mary's County Ordinance No. 2015-32 requires that you:

1. Clear snow and ice from sidewalks adjacent to your property within seventy-two (72) hours after the end of the precipitation / storm.
2. Clear the full length and full width of the sidewalk, including corners and curbs.
3. If snow, ice or other frozen precipitation cannot be completely removed, the owner shall apply sand, abrasives, salt, or de-icing chemicals sufficient to render the sidewalk suitable for pedestrian traffic.
4. No person shall plow, shovel, blow or otherwise deposit any snow, ice or other frozen precipitation onto a public street or public sidewalk, including any crosswalk, transit stop, or other public property.

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5. Accumulations must be cleared from adjacent sidewalks (A), concrete bus stop walks (B) and crosswalk ramps (C). The County is not responsible for clearing mailboxes (D) of snow and/or ice.



Enforcement

The St. Mary's County Department of Public Works & Transportation has been authorized to enforce the Ordinance. Employees from the Department would be responsible for ticketing for violations. Call 301-475-4200 x *3513 to report a violation.

We rely on complaints / reports from concerned citizens to enforce the ordinance. Upon reports of non-compliance, the Department will perform an inspection. If the inspection reveals a violation, we will then inspect all addresses within the general area to ensure equitable treatment. If the necessary action has not been taken, the County may either clear the sidewalk and bill the property owner as described below or issue a citation. Special circumstances may be considered which may result in an increase in the amount of time allowed to bring a sidewalk into compliance. Property owners may also receive an advanced NOTICE (*sample attached*), which may be either distributed to the occupants, posted on the front door of the property, or mailed (individually or via mass mailings).

Failure to comply with the Ordinance can result in: County government clearing the sidewalk and the property owner being liable for the costs (*sample letter attached*); and the property owner receiving a civil citation requiring an appearance in court; and a fine not to exceed \$1,000.

The owner of any real property in St. Mary's County which is adjacent to any public sidewalk from which the Commissioners of St. Mary's County remove any snow, ice or other frozen precipitation shall be liable for the cost of such removal from the adjacent public sidewalk in addition to any other penalty. Any costs will be pro-rated based on the length of property frontage, excluding driveway entrances.

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Report a Violation

We rely on complaints from concerned citizens to enforce the ordinance. Call 301-475-4200 ext *3513 to report a sidewalk snow removal violation. Please be prepared with the exact address. If it is a business, provide the name of the business which the property is adjacent to.

Understanding When a Citation Can Be Issued

You have 72 hours from the end of precipitation to clear your entire sidewalk. You are in violation if you only make one path the size of your snow blower down the sidewalk.

If a violator has not cleared the sidewalk from a storm which occurred over 72 hours ago, the County can issue a citation (*sample attached*) to the owner of the property. Pictures may also be taken for proof of violation.

Remember to remove snow from your sidewalks for every storm. We will cite a violation for compacted, iced snow from previous storms even when there is a slight flurry occurring the same day of violation.

Violators may be given a citation for each day they are not in compliance.

Some Common Issues and Solutions

People walk on it early before I have a chance to shovel and turn the snow to ice. Commercial ice-melters put on early in the day may loosen the ice for removal with shovels.

I was on vacation. Arrangement should be made with a neighbor, friend or a contractor to shovel your walks while you are gone.

I am physically unable to shovel the sidewalks myself. Arrange to have family, friends, neighbors, or a contractor shovel walks for you. You may also contact any number of volunteer organizations, churches, or agencies that help seniors and the disabled.

I just finished shoveling the sidewalks and a plow pushed snow back onto it. You are still responsible to shovel your walks within seventy-two (72) hours after the deposit.

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SAMPLE NOTICE

St. Mary's County passed a Snow Removal Ordinance (Ordinance No. 2015-32). Snow and ice must be removed from public sidewalks in a timely fashion. If your property is adjacent to a public sidewalk then the sidewalk must be cleared within Seventy-two (72) hours after the end of the snowfall; or if a snowplow, vehicle or machine deposits snow, ice or other frozen precipitation onto the sidewalk adjacent to your property then the sidewalk must be cleared within seventy-two (72) hours after the deposit; or if the snow, ice or other frozen precipitation cannot be completely removed then you must apply sand, abrasives, salt or de-icing chemicals sufficient to render the sidewalk passable. Also, do not shovel snow into the street, as this slows the efforts by the Department of Public Works & Transportation and State Highway Administration to make our streets clear and safe and is also prohibited by the ordinance. If an owner leases the property, it is the owner's obligation to see that the tenant complies with the Ordinance.

Failure to comply with the Ordinance can result in:

- County government clearing the sidewalk and the property owner being liable for the costs; and
- The property owner receiving a civil citation requiring an appearance in court; and
- A fine not to exceed \$1,000

If you have any questions on this Ordinance, please contact the Department of Public Works & Transportation at (301) 475-4200. If you receive a Civil Citation, you may contact the Office of the County Attorney at (301) 475-4200 x 1700.

Sidewalk Snow Removal - Civil Enforcement

Ordinance No. 2015 - 32

Subject: To Codify Chapter 260 of the Code of St. Mary's County, Maryland, to Regulate the Removal of Frozen Precipitation from Public Sidewalks and Streets

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ORDINANCE

TO CODIFY CHAPTER 260 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, TO REGULATE THE REMOVAL OF FROZEN PRECIPITATION FROM PUBLIC SIDEWALKS AND STREETS

WHEREAS, pursuant to §8-630(c)(6)(i) of the *Transportation Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are required to maintain and repair sidewalks and bicycle paths constructed by the State Highway Administration of the Maryland Department of Transportation either in connection with the construction or reconstruction of urban highways as defined in §8-630(a)(3) of the *Transportation Article* or at the request of the Commissioners of St. Mary's County; and

WHEREAS, pursuant to §12-504(d) of the *Local Government Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to regulate the construction, maintenance, repair, and cleaning of sidewalks; and

WHEREAS, pursuant to §12-503 of the *Local Government Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County have control over county roads; and

WHEREAS, a notice of a public hearing was advertised on July 10, 2015, and July 17, 2015, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on July 28, 2015, to receive public comment and consider regulation of the removal of frozen precipitation from public sidewalks and streets; and

WHEREAS, the Commissioners for St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to regulate the removal of frozen precipitation from public sidewalks and streets,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §12-504(d) of the *Local Government Article* of the *Annotated Code of Maryland*, that:

SECTION I. Chapter 260 of the *Code of St. Mary's County, Maryland*, be enacted and codified, to read as follows:

Sec. 260-1. Definitions.

(a) "Public sidewalk" means:

- (1) sidewalks and bicycle paths constructed by the State Highway Administration of the Maryland Department of Transportation either in connection with the construction or reconstruction of

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urban highways as defined in §8-630(a)(3) *Transportation Article* or at the request of the Commissioners of St. Mary's County; or

(2) a sidewalk located within the right-of-way of a street or highway within the jurisdiction of the State of Maryland or the Commissioners of St. Mary's County.

(b) "Owner" means the owner of record according to the State Department of Assessments and Taxation.

(c) "Person" means any natural person or any corporation, limited liability company, partnership or association.

Sec. 260-2. Removal of snow, ice or other frozen precipitation.

(a) The owner of any real property in St. Mary's County which is adjacent to any public sidewalk shall remove or cause to be removed any snow, ice or other frozen precipitation from the entire width of such sidewalk, including any adjacent driveway entrance, curb-cut or ramp, within seventy-two (72) hours after the end of the precipitation that caused the condition.

(b) If a snowplow or other vehicle or machine deposits snow, ice or other frozen precipitation onto a public sidewalk, the owner of any property in St. Mary's County which is adjacent to such public sidewalk shall remove or cause to be removed any snow, ice or other frozen precipitation from the entire width of such sidewalk, including any adjacent driveway entrance, curb-cut or ramp, within seventy-two (72) hours after the deposit.

(c) If snow, ice or other frozen precipitation cannot be completely removed, the owner shall apply sand, abrasives, salt or de-icing chemicals sufficient to render the sidewalk suitable for pedestrian traffic.

Sec. 260-3. Deposit of snow, ice or other frozen precipitation prohibited.

No person shall plow, shovel, blow or otherwise deposit any snow, ice or other frozen precipitation onto a public street or public sidewalk, including any crosswalk, transit stop, or other public property.

Sec. 260-4. Liability for cost of removal.

The Commissioners of St. Mary's County may remove any snow, ice or other frozen precipitation which has not been removed pursuant to Section 260-2(a) of this Ordinance or which has been deposited in violation of Section 260-2(b) of this Ordinance. The owner of any real property in St. Mary's County which is adjacent to any public sidewalk from which the Commissioners of St. Mary's County remove

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Subject: To Codify Chapter 260 of the *Code of St. Mary's County, Maryland*, to Regulate the Removal of Frozen Precipitation from Public Sidewalks and Streets

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any snow, ice or other frozen precipitation pursuant to the provisions of this Section shall be liable for the cost of such removal from the adjacent public sidewalk in addition to any other penalty.

Sec. 260-5. Penalty.

- (a) Any person who violates the provisions of Section 260-2 shall be subject to the provisions of §12-504(e) and §12-804(a)(2) of the *Local Government Article* of the *Annotated Code of Maryland*.
- (b) Any person who violates the provisions of Section 260-3 shall be subject to the provisions of §12-804(a)(2) of the *Local Government Article* of the *Annotated Code of Maryland*.

Sec. 260-6. Civil Liability.

It is not the intent of this Ordinance that a violation of any provision herein be evidence, or permit an inference, of negligence in any action for personal injury or wrongful death.

Sec. 260-7. Enforcement.

The Director of the St. Mary's County Department of Public Works & Transportation, and designees of the Director, shall have the authority and duty to administer and enforce the provisions of this Ordinance, including the authority to issue a citation for a civil infraction.

SECTION II. This Ordinance shall be effective upon the date written below.

Those voting Aye: 4
Those voting Nay: 1
Those Abstaining: 0
Date of Adoption: 9/1/15
Effective Date: 9/15/15

ATTEST:

Rebecca B. Bridgett
Rebecca B. Bridgett
County Administrator

COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy
James R. Guy, Commissioner President

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— No —
Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:

[Signature]
George R. Sparling
County Attorney

[Signature]
Tom Jarboe, Commissioner

[Signature]
Todd B. Morgan, Commissioner

[Signature]
John E. O'Connor, Commissioner

Sidewalk Snow Removal - Civil Enforcement



UNIFORM CIVIL CITATION

0240926151

WITNESS

RELATED CASE NO./ CITATION(S) →

District Court of Maryland for St. Mary's County
23110 Leonard Hall Dr, Leonardtown, MD
Address
Commissioners of St. Mary's County DPW&T
County/Municipality/State of Maryland Agency

vs. Smith Joe
Defendant's (Last) Name First Middle

123 Elm St.
Current Street Address Apt. No.
Hollywood SMC MD 20636
City County State Zip

DOB _____ Height _____ Weight _____ Sex _____ Race _____ Hair _____ Eyes _____
 Telephone No. Day/Night: _____ E-mail: _____

Based on personal knowledge of the undersigned officer the attached affidavit, the Defendant is charged with violating Chapter 260 of the Code of St. Mary's County, MD for failing to remove frozen precipitation in the slotted time

at 9:15 AM PM on 1 / 30 / 16
Time Month Day Year
 at 123 Elm St, Hollywood MD 20636 located
Location of Offense
in St. Mary's County, MD in violation

of: Md. Ann. Code Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR
 Document/Article 260 Section 2 Sub Section A Paragraph _____

Each day a violation continues is a separate infraction subject to an additional citation.
 I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.
 Defendant's Signature _____

INSTRUCTIONS

YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.
 YOU MAY PAY A FINE of \$ _____ (entire amount required) by _____ Date _____ to the:
 District Court. Payment of the fine will not close the case if abatement action is pending.
 Agency/Municipality _____

at _____ Payment Location _____
 and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.
 YOU MAY ELECT TO STAND TRIAL by sending your request in writing to the:
 District Court
 Agency/Municipality _____
 in writing by _____ Date _____ at _____ Address _____

DO NOT SEND PAYMENT OF FINE. The District Court will mail you a notice of your trial date, time, and location. AT TRIAL the Court may impose a fine up to the maximum allowed by statute plus court costs.
 IN ADDITION, _____ Agency/Municipality _____ is seeking abatement of this infraction.
 You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs. Payment of the preset fine will not satisfy the abatement action and an order of abatement may still be entered against you.

- FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.
- FAILING TO PAY THE FINE OR REQUEST A TRIAL DATE: will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement.
- FAILURE TO APPEAR FOR A REQUESTED TRIAL DATE: the fine may be doubled and a judgment on affidavit entered against you.

I solemnly affirm under the penalties of perjury, and based upon personal knowledge or the attached affidavit, that the contents of this citation are true and that I am competent to testify on these matters.
 The Defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act.

Issuing Officer's Signature _____ Officer's Printed Name _____ Date 1/30/16
Comm. of SMC DPW&T 301 863 8400
Agency Sub-Agency I.D. No. Telephone
 DC-028 (Rev. 10/2014) Print Date 10/2014

Sidewalk Snow Removal - Civil Enforcement

SAMPLE REQUEST FOR PAYMENT

February xx, 201x

Mr. XXXXXX
XXXXX
XXXXX
XXXX, MD XXXXX

RE: Sidewalk Snow Removal
Failure to Comply with Ordinance
Request For Payment

Dear Property Owner:

St. Maryø County passed a Snow Removal Ordinance (Ordinance No. 2015-32). Snow and ice must be removed from public sidewalks in a timely fashion. If your property is adjacent to a public sidewalk then the sidewalk must be cleared within Seventy-two (72) hours after the end of the snowfall; or if a snowplow, vehicle or machine deposits snow, ice or other frozen precipitation onto the sidewalk adjacent to your property then the sidewalk must be cleared within seventy-two (72) hours after the deposit; or if the snow, ice or other frozen precipitation cannot be completely removed then you must apply sand, abrasives, salt or de-icing chemicals sufficient to render the sidewalk passable.

Upon an inspection of your property frontage on (date) (time), the public sidewalks and ramps in front of your property had not been cleared within the seventy-two (72) hour time limitation after the deposit, which ended on or about (date) (time). As such, County Government has performed the clearing of the sidewalk and the property owner will be held liable for the costs.

Please remit payment in the amount of __\$_____ within thirty (30) days from receipt of this letter. Failure to remit payment to the address below will result in referral of the matter to the Office of the County Attorney.

Commissioners of St. Maryø County
c/o Department of Public Works & Transportation
P.O. Box 508
44825 St. Andrews Church Road
California, MD, 20619