

Introduced by: Councilmember Male

First Reading: October 29, 2015  
Second Reading: November 9, 2015  
Effective Date: November 9, 2015

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE NO. 2015-54**

**(Amending the *Takoma Park Code* to revise the sections on “snow emergencies” and “snow removal”)**

**WHEREAS**, *Takoma Park Code* section 11.20 regulates the removal of snow and ice, and prohibits the placement of snow and ice from the roof of any building or other structure on roadways and sidewalks, but does not prohibit the placement of snow or ice on roadways or sidewalks from adjacent property; and

**WHEREAS**, *Takoma Park Code* section 11.20 requires that snow and ice be removed from public sidewalks, but includes provisions that are poorly written or are overly specific as to the staff responsible for carrying out the provisions; and

**WHEREAS**, *Takoma Park Code* section 11.20 includes a requirement that the full width of a paved sidewalk be cleared but does not recognize the difficulty of clearing the full width of a sidewalk in certain situations; and

**WHEREAS**, violations of *Takoma Park Code* section 11.20 are Class C offenses but the Council wishes to see a graduated approach to fines related to snow removal; and

**WHEREAS**, the accumulation of snow and ice on public sidewalks causes a threat to the safety of pedestrians; and

**WHEREAS**, keeping public sidewalks clear of snow and ice during daylight hours throughout the community will improve pedestrian safety; and

**WHEREAS**, The City Manager has the authority to declare a snow emergency on any municipal street (13.24.40); and

**WHEREAS**, *Takoma Park Code* section 13.24 regulates vehicles during snow emergencies; and

**WHEREAS**, the Council wishes to remove the designation of Maple Avenue as a snow emergency route and clarify the language of *Takoma Park Code* section 13.24 as it relates to snow emergencies.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.**

**SECTION 1.** Title 11, Streets, Chapter 11.20, Snow and Ice Regulations, of the *Takoma Park Code* is amended as follows:

**Chapter 11.20. Snow and Ice Regulations.**

**11.20.010 Casting snow or ice on streets prohibited -- Removal.**

- A. No person shall throw, cast or deposit in or upon any street, avenue, alley, highway, footway or sidewalk any snow which may have fallen upon, or ice which may have accumulated on, ~~the roof of any building or other structure~~ adjacent property, or otherwise obstruct the free passageway of any road or sidewalk when removing snow or ice. For purposes of this section, the grassy sidewalk plot is not a prohibited area to deposit snow or ice.
- ~~B. If it necessary to remove snow or ice from the roof of any building or structure for reasons of public safety and it is impracticable to do so without violating the above prohibition, the prohibition may be waived. The person offending shall immediately remove from any street, avenue, alley, highway, footway or sidewalk the snow or ice thrown, cast or deposited thereon.~~
- ~~C. A violation of this section is a Class C offense.~~

**11.20.020 Sidewalks to be kept free of ice and snow.**

Every owner and occupant, jointly and severally, or their agent(s), of every parcel of real estate adjoining a public sidewalk shall keep the sidewalk adjoining the property free from snow and ice and for the full paved width of the sidewalk if feasible; but, if full-width clearing is not feasible, then at minimum a continuous three foot wide path of the paved sidewalk. ~~A violation of this section is a Class C offense.~~

**11.20.030 Hours of snow and ice removal from sidewalks.**

Snow and ice shall be removed from sidewalks described in Section 11.20.020 by 12:00 noon on a day after a night in which~~7:00 p.m. of the day on which~~ it has fallen or accumulated, or by 9:00 p.m. on the day in which it has fallen or accumulated.~~the end of 4 hours of daylight after the fall or accumulation, whichever is later.~~ Sidewalks in front of commercial establishments shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m. ~~A violation of this section is a Class C offense.~~

**11.20.040 Conditions precluding snow and ice removal.**

In case snow and ice on any sidewalk shall be frozen so hard that it cannot be

removed without injury to the sidewalk, it shall, within the time specified in Section 11.020.030, be strewn and kept strewn with ashes, sand, sawdust or other suitable material, so as to be no longer dangerous to life and limb. As soon as practicable thereafter the sidewalk shall be completely cleared of snow, ice and other material strewn thereon as provided in this chapter. ~~A violation of this section is a Class C offense.~~

**11.20.050 Sidewalk inspection by City Manager ~~Chief of Police Officer~~ – Notice of violation.**

~~The Chief Police Officer~~ City Manager or his or her designee shall ascertain whether the public sidewalks have been cleared of snow and ice as provided in this chapter; and, in the case of a violation, shall either 1) issue a citation, 2) order that the hazard be abated, or 3) use city resources to remove or treat the hazard. The cost of any such removal or treatment by the city shall be assessed against the owner of the adjacent property. ~~The Chief Police Officer shall promptly notify the Director of Public Works of all parcels with respect to which the provisions of this chapter have not been complied with.~~

~~**11.20.060 Removal of snow and ice by Director of Public Works.**~~

~~The Director of Public Works shall direct the removal or treatment of snow and ice, as provided in this chapter, from the portions of the public sidewalk with respect to which this chapter has not been complied with. The Director of Public Works shall notify the Clerk of the expense incurred determined by the amount of labor and materials used.~~

~~**11.20.070 Assessment of removal costs to owner.**~~

~~The Clerk shall promptly present to the owner of each parcel a bill for the removal or treatment of snow and ice, as certified by the Director of Public Works, with respect to the sidewalk adjacent to the owner's property.~~

**11.20.080 Manner of snow and ice removal.**

~~Snow and ice shall in all cases be removed from public sidewalks in a way so as not to obstruct the free passageway of any street, avenue or roadway. A violation of this section is a Class C offense.~~

**11.20.090 Manner of removal – Use of salt.**

**11.20.60**

- A. No person shall use rock salt on any public sidewalk.
- B. No person shall dump, pour or spill salt or salt water or other deleterious matter upon any tree or tree space in any public place, or keep or maintain within 10' of any such

tree or tree space any receptacle from which salt water leaks or drips, or dump, pour or spill salt or salt water into any parking or unconcreted gutter so as to injure any tree or grass occupying public space. ~~A violation of this section is a Class C-G offense.~~

**11.20.70 Penalties for municipal infractions for any violations of Section 11.20.**

- A. A first violation is a Class G offense.
- B. A second violation is a repeat offense.
- C. A third violation within 6 months of any previous violation is a Class C offense.
- D. Any violation on or adjoining commercial property is a Class C offense.

**SECTION 2.** Title 13, Vehicles and Traffic, Chapter 13.24, Traffic Signs, of the *Takoma Park Code* is amended as follows:

**Chapter 13.24. Traffic Signs.**

\* \* \* \*

**13.24.40 Snow emergencies – Impounding of vehicles.**

- A. During periods of snow or ice accumulation, the City ~~Administrator~~ Manager or his or her designee ~~and the Chief of Police are~~ is authorized and empowered to prohibit or restrict parking or to prohibit vehicular traffic on any streets and areas within the City for the purpose of facilitating snow removal and for the purpose of public safety.
  - B. When a snow emergency is declared by the Superintendent of State Police or his or her designee or by other authorized officials for Montgomery County, Maryland, parking of vehicles shall be prohibited at any time during the snow emergency period ~~on the any state roads~~ streets designated and signed as snow emergency routes. ~~in subsection (C) of this section.~~
  - ~~C. The Director of Public Works or his or her designee is authorized to place in appropriate locations signs indicating a designation as a “snow emergency route” along certain streets as follows: Maple Avenue: east side from the District of Columbia line to Sligo Creek Parkway.~~
  - ~~D. A person may not drive or attempt to drive a vehicle during a snow emergency period on any street that is designated and appropriately signposted as a snow-emergency route, unless the vehicle is equipped with snow tires or chains on at least one wheel at each end of a driving axle.~~
- C. Any person issued a ticket for a violation of this section shall be subject to a fine as set forth in Section 13.40.010 (Schedule of fines and charges).

~~F. D.~~ Any vehicle parked and left unattended in violation of the provisions of this section or of any snow emergency order or declaration issued by the Superintendent of State Police or his or her designee or by other authorized officials for Montgomery County or Prince George's County, Maryland, may be towed and impounded as provided in Section 13.24.050.

**13.24.050 Towing and impounding illegally parked vehicles.**

- A. Any vehicle parked in violation of this chapter or otherwise parked so as to constitute a hazard to public safety or that is parked, stopped or standing so as to impede or obstruct the normal movement of traffic or pedestrians may be towed or impounded by police officers or other authorized persons designated by the City ~~Administrator~~ Manager.
- B. In any case involving the towing or impounding of a vehicle pursuant to this section, a service fee as set forth in Section 13.40.010 (Schedule of fines and charges) may be charged to the owner of the vehicle in addition to all outstanding fines and penalties assessed for violations of this chapter, plus any towing or storage charges incurred. All such fines, penalties, service fees and charges shall be paid to the City or its agent before the owner or his or her authorized agent may reclaim or secure the release of the vehicle.

\* \* \* \*

**SECTION 3.** This Ordinance shall be effective immediately upon adoption.

**ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,  
THIS 9TH DAY OF SEPTEMBER, 2015, BY ROLL-CALL VOTE AS FOLLOWS:**

**AYE: Williams, Grimes, Male, Stewart, Seamens, Smith, Schultz**  
**NAY: None**  
**ABSENT: None**  
**ABSTAIN: None**

## **EXPLANATORY NOTE**

Additions to the existing language of the *Takoma Park Code* are shown by underlining.

~~Deletions~~ to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

**Additions** to the proposed Ordinance for Second Reading are shown by **bold underlining**.

\* \* \* \* indicates language of the *Takoma Park Code* which is not reproduced in this Ordinance and which is not being changed.

Amendments to the Ordinance at second reading are shown by **highlighting plus underlining or ~~strikeout~~**.