

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

Page 1 of 4

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 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 thirty six (36) 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 thirty six (36) 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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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(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(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.

BE IT FURTHER ORDAINED, by the Commissioners of St. Mary's County that this Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

Michael L. Hewitt, Commissioner

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Approved as to form and legal
sufficiency:

George R. Sparling

George R. Sparling
County Attorney

Tom Jarboe, Commissioner

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner