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Laws and Policies for Sidewalk Snow Removal in the
District of Columbia and other Jurisdictions

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COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF POLICY ANALYSIS



1350 Pennsylvania Ave., N.W.
Suite 11
Washington, DC 20004
Tel: (202) 654-6183
Fax: (202) 727-3888

**LAWS AND POLICIES FOR SIDEWALK SNOW REMOVAL
IN THE DISTRICT OF COLUMBIA AND OTHER JURISDICTIONS**

I. INTRODUCTION

The snow fall during the 2009-1010 winter season in the District of Columbia was unusually high (est. 50 inches) compared to an average of 15 to 17 inches during the winter season. There have been 4 other times on record in the District where the snow fall exceeded cities that are famous for the excessive snow, like Buffalo or Boston. Severe weather conditions prompted the closure of the Federal government, school systems, and paralyzed transportation throughout the region for several days.¹ Although the amount of snowfall was historical (3 large storms in 7 weeks), the District of Columbia's budget of 6.2 million for snow removal, was deemed to be adequate for only mild winters and, was depleted during the first storm (Schielager, 2010; Public Hearing, Council of the District of Columbia, 2010).

The problem of navigating the streets and sidewalks was a problem for a number of weeks after the storm. Piles of snow were clustered around walkways and bus stops which posed a danger for pedestrians and drivers. Navigation on foot was a serious challenge for the seasoned walker and was more daunting for students, elderly and the disabled, who were possibly homebound due to hazardous conditions. Safe passage for pedestrians is critical; walking in the streets because of unattended walkways due to a winter storm can be a serious danger to pedestrians.²

The issue of pedestrian safety is relevant due to the changing travel patterns in the District's metro area. The Washington metro region's walk, bike and transit trips went up for almost all age groups between 1994 and 2007/08 (Metropolitan Washington Council of Governments, 2010). The Transportation Planning Board (TPB)³ found that the younger population is traveling less and older residents are traveling more, taking the Metro and walking (See Chart in

¹ During the month of February, 2010, cold air in the wake of several reinforcing Arctic air masses dominated much of the U.S., creating temperatures that were much-below average in the Deep South. These cold temperatures, combined with the active weather pattern in the southern and eastern U.S., produced historic snowfall events. These events, contributed to above-normal snow cover extents across the contiguous U.S. and North America for the month. Snow cover extent during February 2010 ranked as third largest February since 1967 for North America and the United States.

² An incident in February, 2005 underscored the importance of sidewalk snow clearance when four high school students were hit by a truck as they walked in the street.

³ The Transportation Planning Board is a federally designated Metropolitan Planning Organization (MPO) for the DC area and serves as the regional forum for transportation planning. It is also associated with the Metropolitan Washington Council of Governments (MWCOCG).

Appendix). This demographic shift in who travels and in the mode of transport has implications for what changes need to be made for this type of pedestrian in the aftermath of a snow event.

Over the past several decades, scant attention has been paid to the pedestrian environment and the needs of pedestrians. Segments of the population are more likely than others to depend upon walking for much of their travel such as children, who routinely walk to school or other places they need to go. The elderly, who no longer may be able to drive or prefer not to drive, and walk to maintain a level of independence. Members of the disabled community meet more of their travel needs through walking than the general population. Lastly, there are many more people who do not own a car, or opt not to own, and walk and/use public transportation (WalkBoston, 2004).

Subsequently, hearings have been held by the Council of the District of Columbia, to examine what areas could be improved for snow removal, accessibility and community action for easing transportation throughout the city for future snow events. The *Winter Sidewalk Safety Amendment Act of 2009* B18-596, would establish fines to enforce snow removal requirements, and require the Mayor to issue rules.⁴

II. RESEARCH QUESTIONS

- 1) Examples of programs that involve the government removing snow and billing responsible parties;
- 2) Examples of fines that apply in egregious cases; and
- 3) Examples of successful communications and incentive programs to encourage neighborly behavior, including programs in which local and state governments have some supportive role in providing equipment or organizing volunteers (and associated costs if available).

III. GENERAL APPROACHES FOR SNOW AND ICE CLEARANCE

There are many variations of the laws for snow and ice removal across states. For example, under New Jersey law, a homeowner is not responsible for ice and snow; however, in Delaware, property managers and owners are required to maintain their premises and are obligated to provide safe conditions. Although there are state laws that generally guide snow and ice removal, different municipalities may have their own ordinances; if residents fail to comply with the local rule, they could be fined (Lundy, 2010).

In some jurisdictions, The Natural Accumulation Rule contradicts the need for clearing snow and ice. The Natural Accumulation Rule holds that a property owner is not required to remove ice or

⁴ The Winter Sidewalk Safety Amendment Act of 2009, amends the provisions for snow and ice from paved sidewalks of the District of Columbia, approved September 16, 1922 (42 Stat.846; DC Code §9-601 et seq). Sec 6 is amended to fine any person or entity who fails to comply with the requirements of Section 1 shall be subject to a fine of not less than \$25; provided that businesses shall be subject to a fine of not less than \$250.

snow that accumulates outside of his or her building as a result of the weather. However, if a property owner chooses to remove snow and ice, and the removal results in an accumulation of snow that makes the condition worse, then they may be liable for injuries that are caused by the more dangerous conditions. For example, in Pennsylvania (called the Hills and Ridges Doctrine), property owners can be held liable for damages resulting from injuries if the condition of the sidewalk or land was due to “human intervention”, i.e., shoveling, de icers, snowplowing) (Lundy, 2010; Pennsylvania Standard Civil Jury Instruction).

City ordinances are generally based on different types of snow clearance: private, public, and combination method. Most jurisdictions have the combination method which involves the municipality clearing heavily traveled sidewalks, but requiring property owners to clear abutting sidewalks in other parts of the city (Walk Boston, 2004). Although the most problematic areas are sidewalk corners, curb ramps and pedestrian crossing areas, the law does not require abutting property owners to clear these areas. Further, municipalities often do not take responsibility for clearing these essential walkways, although they may have been buried further by city plowing (Walk Boston, 2004). In communities with solid sidewalk clearance regulations, the rules are often disregarded because: 1) property owners do not know the requirements 2) property owners do not understand the importance of clearing; 3) property owners cannot manage due to health problems or age; 4) lax inspection and enforcement leads property owners to ignore the regulations without suffering consequences.

IV. SNOW REMOVAL POLICIES FOR DIFFERENT CITIES

The following chart shows the similarities and differences in regulations for sidewalk clearance after a snow event. It also gives a comparison of the range of fines and how different municipalities handle violations. Some communities make a concerted effort to address snow and ice clearance whereas in others little attention is paid.

The first four jurisdictions are in the Washington Metropolitan Area. The other cities were selected based on average snowfall similar to or slightly more than the District of Columbia.

City/State	Average Snow Fall	Ordinance for Snow Removal	Fines	Description
Washington, DC	17	District law requires property owners to clear snow and ice from sidewalks, handicap ramps and steps abutting their property within the first 8 daylight hours after snow, sleet or ice stop falling.	\$25	According to Municipal Code, if property owners fail to comply, the District is required to clear their sidewalks and sue the property owners for the cost of clearing the snow or ice plus a \$25 fine. ⁵
Arlington, VA	24	There is no ordinance or law in Arlington county for clearing snow from sidewalks.	0	It is deemed a civic responsibility for residents and business owners to clear sidewalks and entryways. ⁶
Alexandria, VA	15	Snow and ice must be cleared from all paved sidewalks abutting your property within 24 hrs or the end of snowfall.	\$50	In addition to the fine, if the city clears your walkways the property owner is charged.
Frederick, MD	20.8	Removal of snow 12 hrs after snow stops falling for a width of 4 ft.	\$100 (not to exceed)	Not removing the snow and ice from sidewalks is deemed a public nuisance. If the property owner or occupant fails to comply with the notice of violation within 24 hrs, the code official may issue a citation for a municipal infraction. ⁷
Rockville, MD	19	Snow must be cleared from sidewalks, steps, driveways and parking spaces that are owned and are for public use. Snow must be removed within 24 hrs if less than 3 in and 48	Owner is issued a warning, then \$100 if not done within the week.	Residents receive a reminder notice, which gives an additional 24 hrs. A ticket is issued after the 24 hr period. After a fine is assessed, if the owner not compliant, the fine

⁵ Murphy v. Schwankhaus illustrates deference for common law in the District of Columbia; homeowners have no duty to keep sidewalks in front of their houses shoveled. In the opinion it was noted that although the District has a statute that requires property owners to keep public sidewalks in front of their premises free of snow, Murphy did not have legal standing to sue under the law. “*Only the District of Columbia government has the authority to enforce it*” the court concluded.

⁶ Arlington County schools clear snow on their own property.

⁷ The property owner or occupant may appeal the notice of violation within 5 working days. Upon receipt of a notice of appeal, the code official schedules a hearing before the building code appeals board.

City/State	Average Snow Fall	Ordinance for Snow Removal	Fines	Description
		hrs if it is more than 3 inches..		is \$200 a day up to 5 days.
Newark, NJ	27.6	Throwing snow into streets is against the law. Snow is suggested to be placed on the side of home, lawn, or rear of property. The property owner must clear snow from sidewalks.	\$100-\$1000	Fines are for shoveling snow into city streets. ⁸
Dodge City, KS	20.3	Snow removal within 24 hrs. Responsibility of the property owner.	Minimum of \$80 and subject to daily fines of \$30 to \$50	Municipal code authorizes the City or hires to initiate sidewalk snow removal for public safety. If snow is left on sidewalk more than 24 hrs after termination of a storm, the property owner will be billed twice the cost of labor and materials.
Columbus, OH	18.1	Property owners are to clear snow and ice or use sand to “render travel safe and convenient.”	\$100 fine	Although there are four different departments responsible for enforcement, there is no record of a citation being issued over the past 17 years. ⁹
Lawrence, KS	21	Property owner is responsible for the removal of snow within 48 hrs after the ice forms or the snowfall ends.	\$20 each day	If the removal of ice is impossible, the property owner is required to place sand on the sidewalk within 48 hrs.
Providence, RI	35	Snow must be cleared within the first 8 hrs of daylight.	\$25-500	The Police Dept enforces the snow removal ordinance. Property owners are required to clear snow from around fire hydrants, and opening of catch basins. ¹⁰
Madison City, WI	35	Snow must be cleared of all	\$109 (initial	A city inspector photographs a

⁸ Arlington, Va., is considering a law which fines people who shovel snow into the street, \$250 fine and a Class 4 misdemeanor charge.

⁹ Ohio Law reads that homeowners do not have a legal obligation to shovel when there is a natural accumulation of snow and ice.

¹⁰ Inspectors and supervisors from the Department of Public Works employees were recently deputized to enforce the ordinance due to the reluctance of police to enforce the ordinance. Providence recently amended the ordinance which dates back to 1914.

City/State	Average Snow Fall	Ordinance for Snow Removal	Fines	Description
		snow and ice no later than 12 noon of the day following each snowfall.	fine). All subsequent violations result in a \$172 fine.	sidewalk violation and cites the property. The owner has until 8:00 am the following morning to remove the hazard. Failure to clear the snow will result in city crews to do the work with costs assessed to the property.

In Newark, tickets can be issued from any uniformed Newark enforcement agency, including police, fire, housing code enforcement, sanitation, and the Newark Parking Authority. All violators are ticketed and subject to action in the Newark Municipal Court.

Ohio law does not require homeowners to clear their sidewalks of ice and snow, it is deemed to be more of a moral obligation.¹¹

Different Codifications on Snow Etiquette in Different Jurisdictions

During the storms in the District, many residents utilized lawn chairs, orange cones, and other objects to claim their shoveled parking space. Those who took advantage of the space, but did not expend the labor may, be subject to the ire of their neighbors. Cases of vandalism end up in District court each year after drivers are perceived to have broken the code (Shapira & Davis, 2010).

In Boston, citizens have the right, after digging out their car after a snow storm, to reserve the spot for two days while away at work. In Chicago, blocking a parking spot is illegal, but city officials acknowledge an informal rule of claiming the space if the person has done the digging (Shapira & Davis, 2010).

V. BEST PRACTICES FOR SNOW REMOVAL

Most jurisdictions appear to have snow removal policies posted on the Internet or cited in printed media around the winter season. Some of the best practices for snow removal are the ones which instruct residents regarding proper management and removal of snow and ice, helping to facilitate the continuation of city services, and protecting the environment during and after a snow event.

The city of **Madison, Wisconsin** limits the amount of salt that is applied to its streets in an effort to protect the groundwater and the quality of the lakes.

¹¹ Brinkman et al., Appellees, v. Ross et al., Appellants. A homeowner has not common-law duty to remove or make less hazardous a natural accumulation of ice and snow on private sidewalks or walkways on the homeowner's premises, or to warn those who enter upon the premises of the inherent dangers presented by natural accumulations of ice and snow. *Opinions of the Supreme Court of Ohio*.

The city of **Geneva, Illinois** strongly advises residents not to mix sand and salt, because sand does not yield any benefit as a deicing agent. Further, the sand can damage the storm water drainage system and increases the cleanup efforts during the spring.

The city of **Peoria, Illinois** instructs residents to put snow in their yards, not the street. Putting snow in the street is against the law. Residents are also asked to clear snow from around fire hydrants and meters to aid firefighters and meter readers.

The city of **Montreal** and many parts of Quebec, orange signs are posted along the street to advise residents that they will be clearing the street during a specified 12 hour period and parking is not allowed. At the beginning of the time period, tow trucks make their way down the street and sound a distinctive horn when they come upon a car. If no one comes out, the car is towed away. Once the street is cleared of cars, mini bulldozers push the snow from the sidewalks out to the street.

The city of **St. Paul, Minnesota** instructs residents to use calcium chloride to melt the ice, which protects the environment, and only a small amount is required to melt ice. Residents are cautioned not to use rock salt because it can kill plants and trees.

In **Ann Arbor, Michigan**, the city provides residents with up to one, five-gallon bucket's worth of a sand and salt mixture, per visit to the maintenance yard.

Cambridge, Massachusetts provides salt for use by residents and lists locations such as fire departments. Uncleared sidewalks are reported via the web and printable brochures are available.

VI. BEST PRACTICES IN SOCIAL MARKETING

In the past, there appeared to be more community responsiveness in clearing snow for the disabled, elderly and those who could not afford to pay for snow removal. In many urban cities, social awareness campaigns have been implemented to stimulate the once common place gestures of helping others in the community. The preferred approach is that state and local government should collaborate in developing and implementing a “social marketing” campaign to emphasize the importance of sidewalk and curb ramp snow clearance (Walk Boston, 2004). Further, it helps to increase awareness of the ordinances and encourages support and etiquette among neighbors.

The goal of a social marketing campaign would be to transform sidewalk clearance into a social norm, like recycling or cleaning up after one’s dog. The following are summaries of campaigns launched in different jurisdictions.

In **Jackson, Michigan** “thank you” door hangers were delivered by school children, adding notes that they appreciated that they could get to school safely because their sidewalks were cleared.

In the city of **Madison, Wisconsin** there is a snow removal program for the elderly and disabled who cannot afford to hire someone or who can not physically shovel their sidewalks, are referred to one of the community agencies that coordinate shoveling efforts. These citizens are placed on a deferral list and given an additional 72 hours if paired up with an agency. In **Cambridge, Massachusetts**, there is the City's Snow Exemption Program, and the city shovels your sidewalk at no cost. The Cambridge Council on Aging manages the program.

To support the many generous snow clean-up volunteers in the community, **Arlington County** maintains a number of snow blowers to lend to civic associations or community groups to assist with clearing routes to schools and Metro stops, or to clear the walkways of neighbors with disabilities or special needs.

Fort Collins, Colorado has an Adopt-a-Neighbor Program which coordinates volunteers to shovel for someone who cannot do so on their own.

In **St. Paul, Minnesota**, the city and a member of Council produced a door hanger to let neighbors know about St. Paul's snow removal rules and what resources are available. Residents are encouraged to leave the door hanger if a neighbor is in violation. District councils of St. Paul also provide snow shoveling resources for senior citizens and people with disabilities. They also have an Adopt-A-Stop campaign for bus stops and shelters.

The Department of Transportation in **Chicago, Illinois** created door hangers to increase awareness and encourage sidewalk snow removal by businesses and residents (see example in Appendix). The door hangers were distributed to aldermanic offices as well as community and business groups. They also have a Sidewalk Snow Clearance campaign that recognizes businesses that do an outstanding job of clearing snow and ice from abutting sidewalks. Nominated businesses receive a thank-you letter and a certificate.

VII. CONCLUSIONS AND RECOMMENDATIONS

Care and management of sidewalks is a public responsibility. Municipalities and state agencies should ensure sidewalks are clear for pedestrians, as they do for public streets and parks. Walk Boston, which has published a comprehensive guide for enhancing transportation infrastructure through the maintenance and care of sidewalks, offers basic recommendations for sidewalk and snow clearance.

- Create a norm of snow and ice clearance through social awareness campaigns. For example, in the District of Columbia, local officials such as Advisory Neighborhood Commissioners (ANC's) can be instrumental in promoting social awareness programs and collaborating with District agencies for the elderly, veterans, as well as schools located within their wards.
- Identify a municipal point person for snow removal. Responsibilities may be divided between various agencies, municipal and state agencies that may not coordinate their

clearance regulations and enforcement. This is particularly challenging in the District due to the various jurisdictions of federal, state, national parks, wards, etc). Ideally, one number should be used to report problems with snow clearance and infractions. A popular method used is a snow hotline. Cities such as **Cambridge, MA; Arlington, MA; Toronto, Ontario;** and **Ottawa**, have dedicated lines to report an un-cleared sidewalk. These call centers and ideally, would be staffed with public works and/or transportation department employees.

- Establish priorities for sidewalk snow clearance, by identifying the most critical (high mobility pedestrian corridors) sidewalks. This helps to ensure that enforcement and public snow clearance are focused on the most important locations.
- Improve monitoring and enforcement by giving ticketing authority to municipal workers who are outdoors and can see problems on site.
- Design sidewalks for easier snow removal with similar design interventions, particularly at curb ramps. As part of ongoing sidewalk maintenance, sidewalks which are being installed or repaired should be located on the “sunny” side of the street to help with snow and ice melt.
- Train municipal and private snow plowing personnel so that plow drivers are sensitive to the needs of pedestrians to navigate through the snow and ice safely. Techniques should be used which aid in the clearance of sidewalks, curb ramps, crosswalks, and pedestrian crossing islands.
- Create policies through legislation to eliminate the liability of property owners who clear sidewalks and levy reasonable fines against those who fail to clear.

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APPENDIX

**CHANGING DEMOGRAPHICS, CHANGING TRAVEL PATTERNS
IN THE DC METRO AREA**

Age	Auto Driver	Auto Passenger	Transit	Walk	Bike	Other
5-15	0.0%	2.4%	1.0%	-0.2%	-0.3%	-2.6%
18-24	-6.9%	0.9%	2.3%	0.9%	-0.1%	2.9%
25-34	-6.4%	-0.7%	4.6%	4.6%	0.5%	-0.2%
35-44	0.9%	-3.9%	-0.2%	2.8%	0.4%	0.0%
45-54	2.5%	-3.8%	0.6%	0.8%	0.3%	-0.4%
55-64	-6.6%	-1.1%	3.8%	3.4%	0.6%	0.0%
65+	0.2%	0.0%	-0.5%	-0.4%	0.2%	0.5%
5-65+	-2.2%	-0.5%	0.7%	1.6%	0.2%	0.2%

Walk, bike, and transit trips increased for almost all age groups between 1994 and 2007-2008.

Chart Source: Robert Griffiths. Metropolitan Washington Council of Governments: Transportation Planning Board.

SOCIAL MARKETING MATERIALS

Example

CHICAGO