

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, RELATING TO THE REMOVAL OF SNOW AND ICE FROM PUBLIC SIDEWALKS, TO BECOME EFFECTIVE UPON ENACTMENT.

1. BE IT ORDAINED by the County Board of Arlington County, Virginia, that Chapter 27 (Miscellaneous Ordinances) of the Arlington County Code is amended, reenacted, and recodified, to read in pertinent part, as follows:

§ 27-24. Snow and ice removal

The County Board of Arlington County hereby finds that the unabated accumulation of snow and ice on public property threatens the public health, safety and welfare of the community, and constitutes a public nuisance unless abated in accordance with the requirements of this Section.

- (A) It shall be the duty of the owner, occupant or other person or entity in charge of any occupied property in the County which is adjacent to any public sidewalk to remove or cause to be removed snow or ice from the entire width of such sidewalk, including any adjacent curb-cut, up to a maximum width of thirty-six inches, and if the same cannot be wholly removed, shall apply thereon sand or other proper substance so that such sidewalk shall be safe for public travel.
- (B) Snow or ice below six (6) inches shall be removed within twenty-four (24) hours, and six (6) inches or above shall be removed within thirty-six (36) hours of the cessation of such snow fall or freezing. (Snowfall as measured by the National Oceanic and Atmospheric Administration at National Airport)
- (C) Any person who violates subsection A and B may be assessed a civil penalty of fifty dollars (\$50) for sidewalk less than two hundred linear feet in length; for sidewalk greater than two hundred linear feet in length, one hundred dollars (\$100).
- (D) Notwithstanding the assessment of a penalty under subsection C, the County may remove any snow or ice which has not been removed pursuant to subsections A and B, and recover abatement costs against the property owner or other person or entity in charge of maintenance of the property, in addition to issuance of penalties under subsection C.

§ 27-25. Deposit of snow and ice on streets or sidewalks

The County Board of Arlington County hereby finds that the unabated accumulation of snow and ice on public property threatens the public health, safety and welfare of the community, and constitute a public nuisance unless abated in accordance with the requirements of this Article.

- (A) No person shall plow, shovel or blow any snow or ice from private property onto a public street, crosswalk, transit stop, sidewalk or any public property.
- (B) Any person convicted of violating this section shall be guilty of a class 4 misdemeanor. Every day's continuance of the violation shall be deemed a separate offense.
- (C) Notwithstanding subsection B, the County may remove any snow or ice which has been moved into the public right-of-way pursuant to subsection A, and recover abatement costs against the owner or other person or entity in charge of maintenance of the property, in addition to the criminal penalty under subsection B.

2. **BE IT RESOLVED**, by the County Board that the County Manager shall prepare an enforcement policy as part of the Implementation Plan which shall provide reasonable criteria for exempting individuals who are handicapped, over the age of sixty-five, or otherwise physically incapable of complying with the requirements of the ordinance; County staff are directed, as part of the implementation plan, to develop mechanisms to facilitate assistance to persons who qualify for the waiver; and,

BE IT FURTHER RESOLVED, by the County Board that the County Manager shall prepare an enforcement policy as part of the Implementation Plan which shall provide for an exemption from the ordinance in circumstances where additional snow or ice is re-deposited on the sidewalk as a result of government action after the cessation of snowfall; and,

BE IT FURTHER RESOLVED, that enforcement efforts should initially target locations and situations that pose a safety hazard or impair access to transit or essential services (e.g. schools, hospitals or medical facilities, groceries); and,

BE IT FURTHER RESOLVED, that the County Manager may, in his discretion, based on weather conditions, extend the time frames required for compliance with the ordinance, reduce the required width of sidewalk from which snow and ice must be removed, and suspend enforcement of the ordinance; and,

BE IT FINALLY RESOLVED, that it is the policy of the County Board that the County take responsibility for clearing snow from sidewalks on or abutting County property, and that, accordingly, the Board hereby directs the County Manager to prepare administrative procedures that will ensure the fulfillment of this policy.