



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of March 13, 2010**

**DATE:** March 5, 2010

**SUBJECT:** Temporary Snow Removal Ordinance

**C. M. RECOMMENDATION:** Consistent with the discussion of the County Board, at the February 23, 2010 meeting, the County Manager has no recommendation.

**ISSUE:** On February 23, 2010 the Arlington County Board adopted a resolution directing preparation of a temporary snow removal ordinance for the County Board's consideration.

**SUMMARY:** Arlington does not currently have an ordinance requiring snow and ice removal from sidewalks.

**BACKGROUND:** Following the unprecedented snow storms which occurred in December 2009, January and February 2010, Arlington County received a number of concerns regarding the accessibility of sidewalks, particularly in high traffic areas. Noting public health, safety and welfare concerns and other dangers posed by pedestrians walking in streets and the need to ensure pedestrian access to commercial and resident properties, transit stations and stops, the Arlington County Board adopted a resolution, attached at Attachment A, directing the County Manager to prepare a temporary snow removal ordinance for County Board consideration at the March, 2010 meeting containing certain provisions which, if adopted, would be in effect for a period of sixty (60) days.

**DISCUSSION:** Arlington County does not have an ordinance requiring snow and ice removal from sidewalks, but some surrounding jurisdictions do. As a result of the unprecedented snow storms of the winter of 2009/2010, the County Board's February 23, 2010 resolution directed the County Manager to prepare an analysis of the alternative provisions available to the Board in enacting a snow removal ordinance together with draft language for the Board's consideration for advertisement at the April 2010 meeting. Due to concerns about possible additional snow storms before such matters could be considered by the Board, the Board also directed the County Manager to prepare a temporary snow removal ordinance for consideration and adoption at their March 2010 meeting. Further, the Board resolution stated that the County should take responsibility for clearing snow from sidewalks on or abutting County property and directed the Manager to work in coordination with the Arlington Public Schools to analyze the properties involved and prepare administrative procedures that will ensure the fulfillment of the policy.

County Manager: BMD/GA

County Attorney: SAM

27.

At the February 23, 2010 meeting, the snow removal ordinance, attached as Attachment B, was, before the Board. That same ordinance is now presented to the Board for consideration of adoption on an emergency basis. If adopted, the ordinance would be in effect of sixty (60) days unless it, or an alternative ordinance, is adopted after required advertisement and public hearing.

**FISCAL IMPACT:** None. There is no impact on net tax support.

**Attachment A:**

Resolution Directing Preparation of Snow Removal Ordinance for County Board Consideration

*Adopted by the Arlington County Board -- February 23, 2010*

**WHEREAS**, the availability of walkable sidewalks is essential to the public health, safety and welfare for reasons not limited to protecting pedestrians from the dangers posed by motor vehicle traffic in the street, and ensuring pedestrian access to commercial and residential properties, transit stations and stops; and

**WHEREAS**, Arlington's comprehensive plan is based on reducing automobile dependency and explicitly emphasizes the importance of walking and transit as central to the County's goals, including traffic mitigation, environmental sustainability, safe routes to school, and overall high quality of life; and

**WHEREAS**, accumulations of snow and ice that make pedestrian use of sidewalks difficult or impossible present risks to the public health, safety and welfare, and constitute a public nuisance; and

**WHEREAS**, the public risks and associated problems presented by this condition predominate in those areas of the County where there is a high volume of pedestrian traffic, such as access routes to Metro stations and bus stops and areas where there are concentrations of commercial and retail uses and high density residential uses, where walkable sidewalks are essential to pedestrian safety and the economic sustainability of the County; and

**WHEREAS**, these risks and problems are also particularly present in those areas of the County where there is a high volume of motor vehicle traffic and high levels of transit service because accumulations of snow and ice on sidewalks prevent use of sidewalks and force pedestrians into the street; and

**WHEREAS**, the areas of the County where the risks to the public are greatest, and the need to ensure sidewalks free of snow and ice is most compelling, are those zoned for commercial use and high density residential use, and those areas fronting on high traffic volume streets and streets served by transit, and on streets intersecting such streets; and

**WHEREAS**, in light of the foregoing, the County Board concludes that the an examination of the advantages of an ordinance requiring the removal of snow and ice from sidewalks is necessary;

**NOW, THEREFORE, BE IT RESOLVED**, that the County Board hereby directs the County Manager to prepare an analysis of the alternative provisions available to the Board in enacting a snow removal ordinance together with draft ordinance language for the Board's consideration for advertisement at the April 2010 meeting; and,

**BE IT FURTHER RESOLVED,** that the County Board hereby directs the County Manager to prepare a temporary snow removal ordinance for consideration of adoption by the County Board at the March 2010 County Board meeting containing the provisions in Attachment A, which ordinance if adopted shall be in effect for a period of sixty (60) days; 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 in coordination with Arlington Public Schools, to analyze the properties involved and prepare administrative procedures that will ensure the fulfillment of this policy.

## ATTACHMENT B

### AN EMERGENCY ORDINANCE REQUIRING THE REMOVAL OF SNOW FROM PUBLIC SIDEWALKS, TO BECOME EFFECTIVE UPON ENACTMENT.

**1. BE IT ORDAINED that the following Ordinance be in effect in Arlington County upon enactment:**

**Snow and ice removal.**

- (a) It shall be the duty of the owner, occupant or other person in charge of any property listed below in subsection (b) which has a paved sidewalk or footway abutting such property to remove and clear away or cause to be removed and cleared away all snow in excess of two (2) inches upon said sidewalk within twenty-four (24) hours after the snow ceases to fall. If snow ceases to fall before sunrise, removal of snow from the sidewalk by noon of the day the snow ceased to fall shall be deemed compliance with this subsection. The same requirements shall exist with respect to ice on sidewalks or footways, except that when ice cannot be removed without injury to the sidewalk or footway, it shall be covered with sand, sawdust or some other substance which will render it safe for pedestrian travel. Snow removed from a sidewalk shall not be placed onto the street in a fashion that obstructs the street.
- (b) The following properties are covered by this section: all properties in following zoning districts: all "C" districts, all "RA" districts, R-C district, MU-VS district, and CP FBC district.
- (c) Snow and ice removal under this section shall be the duty of the property manager or other person in charge of commercial rental properties with over four (4) units and condominiums with over four (4) units.
- (d) Subsection A shall not apply to any persons above the age of sixty-five (65), or persons who are disabled or otherwise determined to be physically incapable of meeting the requirements of this section.
- (e) Any person violating this section shall be assessed a civil penalty of fifty dollars (\$50) for sidewalk less than 200 hundred linear feet in length; for sidewalk greater than 200 linear feet, one hundred dollars (\$100).
- (f) Notwithstanding the assessment of a penalty under subsection E, the County may remove any snow or ice which has not been removed pursuant to

subsection (a), and recover abatement costs against the owner or other person in charge.

2. **BE IT FURTHER ORDAINED that the County Board finds that an emergency exists in that the failure to immediately enact this Ordinance will adversely affect the public safety, welfare, and the transportation needs of County citizens.**
3. **BE IT FURTHER ORDAINED that this Ordinance not be enforced for more than sixty (60) days after it is enacted by the County Board, unless this Ordinance is reenacted in conformance with the applicable provisions of the Code of Virginia.**