



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of April 24, 2010**

**DATE:** April 22, 2010

**SUBJECT:** Request to Advertise a Public Hearing for a County Ordinance Relating to Removal of Snow from Public Sidewalks.

**C. M. RECOMMENDATION:**

Authorize advertisement of a public hearing to be held on June 12, 2010, to consider an ordinance to amend, reenact and recodify Chapter 27 (Miscellaneous Ordinances) of the Code of Arlington County, Virginia, relating to the removal of snow from public sidewalks, to become effective upon enactment.

**ISSUES:** County Board action is needed to enact an ordinance to require removal of snow from public sidewalks and to set civil and/or criminal penalties for ordinance violations.

**SUMMARY:** On March 13, 2010, when the County Board approved an emergency snow removal ordinance, the County Board also 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 ordinance language for the Board's consideration." Staff have prepared an ordinance (Attachment A) in accordance with the Board's direction and developed a detailed report that outlines the elements and potential impacts of the ordinance, along with some options.

**BACKGROUND:** From December 19, 2009, to February 10, 2010, Arlington received approximately 54.9 inches of snow in a series of several large snowfalls. The snowfalls between February 5 and February 10 came during a period of prolonged cold weather, with new snow piling on top of each previous snow fall. Due to the cold weather the snow did not start melting until more than a week after the storm, and caused serious disruptions to the transportation systems.

More typical snow storm deposits for Arlington fall in the four to eight inch range a few times per year. Normally, Arlington receives 15 inches of snow in a year, and prolonged cold weather does not occur regularly.

In the past, residents have been encouraged and expected to clear sidewalks of snow and ice. However, in many snowfalls some businesses and residents delayed or did not clear the sidewalk in a timely manner. Past experience has shown that voluntary actions to clear the snow from

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sidewalks across the County have been only partially effective, and this season's snow fall has highlighted the consequence of a voluntary approach. The Master Transportation Plan – Pedestrian Element indicates that "All private property owners are encouraged to keep the sidewalks that abut their properties clear and safe for pedestrian passage." However, during this year's snow storms it was observed that many property owners did not clear the snow from public sidewalks, resulting in some public sidewalks that were impassable for up to two weeks after the snows fell. Problems of impassable sidewalks impacted pedestrians most on arterial streets, though all classifications of streets were impacted. Arterial streets are of the highest concern as they are the routes that pedestrians use most to access transit, schools, employment and commercial destinations, and have the highest traffic volumes, thereby creating the greatest potential for pedestrian/vehicle conflict.

With many sidewalks not cleared of snow in a timely manner, pedestrians were faced with the choice of walking on sidewalks with heavy snow or along roadways. Neither of these options offered the pedestrian a route that was safe for public travel. Another noted problem that impacted pedestrian and bicycle travel was that some walkways and trails on County and State owned properties were not cleared and snow was pushed off parking lots into the roadway or piled onto the public sidewalks or trails. Additionally, in some locations, snow was plowed from the roadway and pushed onto sidewalks or piled at the street corners creating barriers to the street.

### **County Response to Snow Clearing and Removal**

Arlington snow maintenance crews maintain 388 miles of roadways. The County has a detailed snow plowing route program. The routes are classified by Primary County (Red), School Routes (Green), Secondary County (Blue), VDOT Maintained (Black) and Other Streets (Gray). The County is divided into eight Snow Zones that identify the street classification, small truck plowing areas and other information that assist snow plow crews.

The snow maintenance crews have three main operational objectives when snow falls in Arlington. The first objective is to open County streets as quickly as possible, beginning with the highest priority (Red, Green and Blue) streets. The main reason for clearing these routes first is to allow emergency and other essential vehicles to travel safely through the County. These routes also include arterials, bus routes, and streets adjacent to schools and hospitals. The second objective is to clear residential streets so that emergency vehicles and residents can travel in and out of the residential neighborhoods. Work on residential streets typically will not begin until the red and blue routes are open and passable. Often work begins on residential streets after the snow has stopped. The third priority is to open public alleyways, many of which serve as the only point of access to residential units or for refuse collection. This process typically starts after residential streets have been cleared. During and after snow events, County crews and contractors simultaneously clear snow from sidewalks at a variety of County owned locations.

The efforts by the County crews to clear snow off the streets this past winter were generally successful. The snow was plowed off the county roadways within a reasonable amount of time considering the volume of snow. Problems did exist on many of the narrow streets and streets with cul-de-sacs. The difficult maneuverability of the snow plows on the narrow streets was compounded by the volume of snow, parked cars, and the lack of places to store the snow.

The snow maintenance crews worked twenty-fours per day in twelve hour shifts to address the snow storms. However, the snow volumes exceeded the capacity of County resources to handle the events, and the recent cuts in staff made the situation worse. One hundred-fifty crew members participated in clearing and removing snow and included employees from the Departments of Environmental Services (DES) and Park, Recreation and Cultural Resources (PRCR). The County used seventy pieces of snow control equipment including a snow melter, and applied more than 20,000 tons of salt on the roadways. Crews typically haul snow out of commercial corridors after major deposits of eight inches or more. In the Ballston area the crews hauled snow to the Arlington Traditional School with the goal of opening up the sidewalks to the Metro station and commercial properties in the area. Most trails were not cleared during the snow storms and bicyclists could not navigate the trails for more than two weeks after the last snow fall.

The Virginia Department of Transportation (VDOT) crews cleared snow off State roadways. However, VDOT does not clear snow from adjoining sidewalks on bridges or from medians, islands or other surfaces upon which pedestrians would travel. In some instances, both VDOT and the County street plows dumped snow on the public walkways, making conditions more difficult for pedestrians and bicyclists.

### **Snow on Sidewalks**

The snow maintenance crews prioritized sidewalk clearing around County buildings, schools and transit stops. Clearing all public sidewalks in a timely manner was not possible during the last snow event with existing resources. For example, PRCR has over 100 parks and 400 landscaped areas to maintain and is responsible for snow clearing at libraries, day care centers, recreation centers, around Metrorail stops, public pools, trail sections and paths to schools in some areas. In the case of most typical snow falls, the snow will likely melt before PRCR snow clearing crews can complete removal on all County sidewalks.

Many sidewalks in Arlington have a narrow landscaped or paved strip area separating the curb from the roadway. The landscape strip accommodates trees, street lights, utility poles, fire hydrants, and other utility equipment, and is intended to be the location to pile snow from the roadway and sidewalk. However, in heavy snowfalls, snowplows will push snow from the street onto the sidewalk area. When no landscaped area exists and the sidewalk directly abuts the roadway the spillover of snow from the roadway is even more severe. Larger snow storms also create problems with plowed snow piling at the curbs and blocking access between sidewalks and streets.

### **Additional Resources**

The County hired 11 pieces of snow fighting equipment and 16 operators from the Richmond area in anticipation of the February 10, 2010, snow storm. The County also contracted with five companies to haul snow from major corridors and clear snow from narrow streets and cul-de-sacs. The contractors deployed four front end loaders, twelve skid loaders, five backhoes and more than thirty dump trucks. The need for salt outstripped our storage capacity and fifteen dump trucks made eighty trips to Baltimore for more salt during the storm series. The County deployed thirty "Snow Spotters" to help identify locations that needed clearing and utilized GIS mapping to track locations. The County mobilized crews to clear fire hydrants and bus stops.

Most of the staff working as snow spotters and bus stop clearers were County workers that assist with the snow operations.

### **Collaboration with Schools**

The County focused on opening routes to schools as one of the top priorities. Arlington Public School crews, along with AmeriCorps volunteers and over thirty PRCR employees, hand shoveled school sites. Also, many residents on their own initiative cleared snow on sidewalks leading to schools. The County utilized skid loaders and mini-excavators around schools to clear sidewalks. DES employees assisted with clearing street crossing points and bus stops.

### **Snow Blower Loan Program**

The PRCR Snow Blower program started in 2000, and has been a successful partnership between community volunteers and the County. Snow blowers are available to volunteers who have a plan that benefits the area, such as cleaning public sidewalks, routes to school, shopping centers, trails or bus stops. Those participating in the program must be at least 18 years old, trained and registered as volunteers prior to obtaining a snow blower. PRCR services and stores the snow blowers off season. Currently, PRCR has ten snow blowers available to loan to volunteers. PRCR delivers and picks-up the snow blowers, provides a can of gas, gloves and a bag of snow melt. This was the first year that the demand for snow blowers exceeded supply.

### **Outreach**

The outreach efforts were expanded during the snow storms through updates to the Web, media e-mail, Facebook, Twitter, Arlington Alert and AVN/Video. The County staffed a call snow center and created a snow e-mail location at [snow@arlingtonva.us](mailto:snow@arlingtonva.us) so that citizens could report snow related issues. The Arlington Alert increased by 2,009 new subscribers, the Facebook fans doubled and now there are more than 3,200 fans. The website snow pages from December 13, 2009, to February 22, 2010, had 80,242 visitors and as much as 110,500 visits. The biggest spikes to the snow pages were on January 31, 2009, and February 7, 2010.

**DISCUSSION:** Providing safe and accessible conditions for all users of the transportation infrastructure is an overarching objective of the Master Transportation Plan. Access to employment, schools, services and other activities depends on all modes being available as soon as possible after a snow storm event. With a significant amount of rail and bus transit trips either originating or destined for the County on a typical weekday, providing clear pedestrian routes is essential to ensuring access to jobs, schools and services for all.

Snow and ice present significant challenges for safe and comfortable walking during the winter. These challenges are even greater for children, seniors and people with disabilities. Additionally, not all residents of Arlington have access to a car, and rely on walking, bicycling and transit as their primary ways of travel. Arlington's Master Transportation Plan takes a long term view of developing a community that is not dependent on the automobile and emphasizes the importance of walking, bicycling and transit. During the past 30 years Arlington has made great strides at becoming a world class pedestrian and transit accessible community. However, developing pedestrian friendly facilities comes with the responsibility of maintaining these facilities. Implementation Actions in the Pedestrian Element of the Master Transportation Plan recommend that the County "Consider enactment of a snow removal ordinance and enforcement

mechanism for public sidewalks. With or without a snow removal ordinance, a program should be undertaken to alert property owners and occupants to clear snow from their sidewalks in a timely manner.”

The 2007/2008 Household Survey indicates that over 27 % of Arlington residents use transit, walk or bicycle as their daily travel mode, and the percentages of transit, walking and bicycling use in the Rosslyn-Ballston and Jefferson Davis Corridor are as high as 41% and 44% respectively. The walking range of some pedestrians to transit stops is as far as a one mile. Many of the residents in these corridors are dependent on accessing sidewalks to get to transit stops and do not have automobiles as an alternative mode of travel. Maintenance efforts should treat sidewalks and trails as equals to other transportation modes, and ensure convenient access for people of all ages and abilities.

On March 13, 2010, the Board approved an emergency ordinance which requires commercial property owners to clear snow in excess of (2) inches from sidewalks within (24) hours after the snow ceases to fall. The ordinance has a waiver provision for persons who are over 65 years old, disabled or otherwise physically incapable of meeting the snow removal requirements. The ordinance also provides for penalties for violators. The ordinance expires in 60 days (May 12, 2010).

Staff recommends advertisement of a proposed permanent ordinance that builds on the emergency ordinance and subjects all properties, residential as well as commercial, adjacent to public sidewalks, to the requirement to clear snow from the sidewalks. The proposed ordinance recommended for advertisement is structured to allow the County Board maximum flexibility in deciding on the final ordinance. The main elements of the proposed ordinance are discussed below.

It should be noted that whatever ordinance may be approved, County staff would need to develop an implementation plan that details how the ordinance will be administered and puts the ordinance in the context of all the other efforts needed to ensure a successful outcome. The implementation plan is discussed later in this report.

### **State Enabling Code**

Section 15.2-2025 of the Code of Virginia authorizes Arlington County to adopt a snow removal ordinance. The relevant part of the Code follows:

“Any county in Northern Virginia Planning District 8 may provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks, by the owner or other person in charge of any occupied property. Such ordinance shall include reasonable time frames for compliance and reasonable exceptions for handicapped and elderly persons, and those otherwise physically incapable of meeting the reasonable criteria requirements for such removal. Civil penalties not to exceed \$100 may be imposed for violation of such ordinance.”

Additionally, Va. Code 15.2-900 authorizes a locality to “bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services

reasonably required to abate any ...public nuisance.” If the Board were to make an official finding in the ordinance that all unabated accumulations of snow on public sidewalks constitute a public nuisance that “presents an imminent and immediate threat to life or property,” then the ordinance may also contain an abatement clause. The abatement clause allows the County to remove snow from public sidewalks, and to institute an action against the property owner to recover the costs incurred in such removal.

Finally, Va. Code 15.2-2018 prohibits any person from using public property “in a manner not permitted to the general public” without having first obtained consent from the County Board. The County may use this statute to fine persons who deposit snow from private property onto public streets, crosswalks, transit stops, sidewalks, or any public property. Unlike the snow removal ordinance, which imposes civil penalties, this statute imposes criminal penalties. Violation of the statute constitutes a class 4 misdemeanor, which imposes a fine up to \$250. Each day of violation is counted as a separate offense. The statute defines such unauthorized use as a nuisance, and the County may abate and recover costs from the offender.

### **Ordinance Elements**

An ordinance would specify which properties are subject to the requirements, what the standards are for removal in terms of amount of snowfall and time, whether there are any waivers, what the penalties are for non-compliance, and what provisions there are for County abatement and recovery of abatement costs. These elements are discussed below, along with staff recommendations for what should be advertised for public hearing.

#### **1. Base Ordinance**

**Option A. - Clearing snow from sidewalks - county-wide (recommended):** Staff is recommending applying the ordinance requirements County-wide, to both residential and commercial property. The intent is that a greater number of property owners would clear sidewalks adjacent to their property within the designated time period, thereby resulting in better walking conditions across Arlington. Staff further recommends specifying clearing a minimum width of thirty-six inches in order to accommodate strollers, wheelchairs, and a parent holding a child’s hand. The ordinance specifies a 24-hour period after snowfall has ceased for less than 6 inches and a 36-hour period for 6 inches or more. The owner, occupant or other person or entity in charge of occupied property would be held accountable. Although State statute says only “owner or other person in charge,” staff has included additional wording to include occupant or other entity to cover appropriate situations.

A County-wide snow ordinance provides an enforcement mechanism that could be applied evenly across Arlington, raises the level of accountability, and indicates the County commitment to clearing snow from County owned properties. On the other hand, if the County is not able to fulfill its obligation to remove snow from all sidewalks adjacent to County property, the County would be subject to criticism.

**Option B. - Clearing snow from sidewalks - limited to commercial corridors (not recommended):** An alternative to imposing snow removal requirements County-wide is to take the approach in the Emergency Snow Removal Ordinance, which applies only to the commercial and high-density residential zones, where there are more pedestrians and more

potential for pedestrian-vehicle conflicts. However, connections between the commercial and high density residential zones, and adjacent lower density and single family residential neighborhoods would not be addressed. Corridors such as Rosslyn/Ballston and Columbia Pike are linear and attract many transit riders that walk to transit stops from outside the commercial zones. A limited snow removal ordinance for commercial corridors could result in disconnected sidewalk paths to residential neighborhoods, and would not address pedestrian access along heavy trafficked arterials nor access to schools.

2. **Other ordinance elements:**

- a. **Restrict snow placement from private property onto County streets or sidewalks (recommended):** During snow storms numerous property owners have been observed clearing snow from private property and moving it onto County streets or sidewalks. This ordinance element would prohibit private property owners from moving snow or ice from private property onto public streets or sidewalks. Violations of the ordinance would result in criminal penalties (as contrasted with civil penalties for failure to remove snow and ice from public sidewalks), and abatement costs if the County is forced to remove the snow or ice.
- b. **Waivers (not recommended):** Property ownership comes with responsibilities and the expectation is that property owners who cannot personally clear snow from the sidewalk would obtain the services of someone who could, or would be assisted by relatives or neighbors. The analogous situation would be the requirements under the Care of Premises code to keep grass cut back and plant overgrowth controlled. The proposed ordinance states that “it shall be the duty of the owner .....to remove or cause to be removed snow or ice...” Staff believes that any owner who physically cannot himself/herself remove the snow or ice, can arrange for someone to do it for him/her. However, if the Board desires, the ordinance could explicitly include reasonable exceptions for handicapped and elderly persons, and those otherwise physically incapable of meeting the requirements, as allowed by State code. If exceptions are to be allowed, a program will need to be put into place to establish criteria and administrative procedures to grant the exceptions, and measures will need to be in place for clearing the sidewalks for those persons, so that those sections of the sidewalk network are not impassable.
- c. **Abatement (recommended):** The abatement provision in the ordinance allows for the County to remove the snow or ice from public sidewalks if the property owner does not remove it in the time prescribed in the ordinance. Snow removal abatement would likely be accomplished by a contractor. The contractor would be responsible for clearing the violation and billing the cost, which would then be billed to the property owner. The abatement provision is conditioned upon the County Board officially finding that all unabated accumulation of snow is a public nuisance that presents an imminent and immediate threat to life or property. This finding is contained within the attached ordinance.
- d. **Civil penalties:** Based on state legislation, the maximum civil penalty allowed for violation of the snow and ice removal section of the ordinance is \$100 for each snow event. For the purpose of the advertisement staff recommends advertising the full \$100

penalty for all zones. The County Board would then have the flexibility to adopt a lesser penalty on some zones. For example, the County Board may want to adopt a \$50 penalty in all "R" districts, or perhaps in low-density residential districts (some combination of R-20, R-10, R-10T, R-8, R-6, R-5, R2-7, and R15-30T) and a \$100 penalty in all other districts. Because the maximum penalty is relatively low, staff does not recommend having a lower penalty for different zones or categories of uses.

- e. **Enforcement of ordinance:** The intent of the enforcement efforts would be to target particular locations and situations that truly pose a public safety hazard. Although the ordinance would apply to all properties adjacent to public sidewalks, it would not be the County's intent to do widespread enforcement. Complaints from neighbors, pedestrians, and bicyclists and noticeable commercial violations of the snow ordinance are expected to be the primary way violations would be found. The County would likely establish a dedicated telephone number and e-mail address to report alleged violations. In most cases, it is expected that a call from the County to the property owner in violation will remedy the situation. Upon report of non-compliance, enforcement officers would perform an inspection, and the property owner may receive a ticket for the civil or criminal penalty. Every attempt would be made to be reasonable in enforcing the ordinance. For example, extenuating circumstances, such as snow plowed onto sidewalks after sidewalks were initially cleared, will require judgment on the part of the enforcement officer, and complaints will be handled on case-by-case basis. It is the clear desire of the County that voluntary compliance will result in clearing most sidewalks of snow, and that enforcement action will be reserved for the most egregious violations that endanger public safety.

### 3. **Additional Snow Related Measures**

- a. **Public awareness/education program:** An enhanced Public Awareness/Education Program would be undertaken to encourage more citizens to get involved with the clearing of snow. Various media distribution networks such as newspaper, radio, television and electronic media channels would be used to get the word out about the civic responsibility of keeping the sidewalks safe for public travel. A public education program will likely produce modest improvements; however it would be a reminder to further encourage businesses and residents to clear their sidewalks. The City of Chicago, in an effort to make walking safe and convenient, developed two efforts last year to encourage sidewalk snow and ice removal. One effort was a sidewalk snow removal award for businesses and the other was the distribution of a snow removal reminder door hanger. Both of these efforts were designed to encourage businesses and residential areas to get the word out about their civic responsibility. Expansion of the program would necessitate a review of the program and volunteer forms to assess any potential increase to the County's liability.
- b. **Expanded snow blower loan program:** The County would purchase additional snow blowers for distribution to volunteers and expand the program to include trails. Trails are part of the transportation network and many commuters rely on these facilities, even in some of the harshest weather conditions. To significantly expand the number of snow blowers in the program, PRCR would likely need to arrange for volunteers to store the

snow blowers, since County storage capacity is limited. PRCR would still pick-up the snow blowers for annual maintenance and provide volunteer registration and training.

- c. **County efforts at clearing its own sidewalks:** The question has been asked whether the County can meet the standards being imposed on all properties in the County by approval of the ordinance. Clearly the County could not clear its own sidewalks of the extraordinary snowfall of this past winter within the 36-hour standard. Even with a typical winter snowfall, County crews would be hard pressed to meet this standard given limited resources and competing priorities to meet demands on sidewalks along State roads, bus stops and fire hydrants, and schools. The County will develop priorities for clearance, deploy County resources to best achieve these priorities, and work with volunteers to expand sidewalk clearing efforts.

If the County Board enacts the Snow and Ice Removal Ordinance, the County Manager will develop a comprehensive Snow and Ice Removal Implementation Plan. The Plan will include Administrative Regulations that set policies and major procedural requirements for all departments, priorities for deployment of County resources, public awareness and education, enforcement, abatement, volunteer engagement, and resources needed. The Plan would be completed and put into place prior to the next winter season.

**FISCAL IMPACT:** The fiscal impacts cannot be known with any preciseness until the Implementation Plan is completed. There are likely to be fiscal impacts in the following areas:

- 1) **Additional snow clearing for County properties** – To the extent that enhanced efforts are desired to meet the County’s obligations to clear its own sidewalks and meet other pedestrian priorities, additional equipment, staffing or contract resources may be needed. For example, if sufficient volunteer are not forthcoming, clearing trails in a timely fashion will likely require additional resources. These needs will be identified in the Implementation Plan.
- 2) **Contract snow clearing services for abatement** – The cost for abatement will be recovered from property owners. There are likely to be additional costs for administration of recovery efforts.
- 3) **County enforcement staff** – Additional staffing will be needed to carry out enforcement of the ordinance, both of the civil penalties and the criminal penalties. The County is likely to deploy existing County employees and costs would be incurred for overtime, training, and support. The level of deployment and the costs will be developed as part of the Implementation Plan.
- 4) **Additional public education and outreach** – There will need to be an initial first year public education campaign that may cost in the range of \$10,000 to \$25,000. Ongoing efforts will be needed to target problem areas in succeeding years.
- 5) **Additional snow blowers** - Additional snow blowers would be offered for distribution to civic associations and other volunteers to clear sidewalks and trails. The details of the program

would be included in the Implementation Plan. An additional 50 snow blowers would cost approximately \$50,000, with ongoing maintenance costs.

**ATTACHMENT A**

**AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, RELATING TO THE REMOVAL OF SNOW 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 in front of, along or adjoining any public sidewalk to remove or cause to be removed snow or ice from such sidewalk, a minimum of thirty-six inches wide, including any adjacent curb-cut, 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 less than six (6) inches shall be removed within twenty-four (24) hours, and six (6) inches or more 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 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 land owner or other person or entity in charge of maintenance of the property, in addition to the criminal penalty under subsection B.