

**Council of the District of Columbia
Committee on Transportation and the Environment**

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OFFICE OF THE
SECRETARY

Committee Report

1350 Pennsylvania Avenue, N.W., Suite 108, Washington, DC 20004

To: Members of the Council of the District of Columbia

From: Mary M. Cheh, Chairperson 
Committee on Transportation and the Environment

Date: October 1, 2014

Subject: Bill 20-715, the "Winter Sidewalk Safety Amendment Act of 2014"

The Committee on Transportation and the Environment, to which Bill 20-715, the "Winter Sidewalk Safety Amendment Act of 2014" was referred, reports favorably on the legislation and recommends its approval by the Council of the District of Columbia.

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STATEMENT OF PURPOSE AND EFFECT

Bill 20-715, the “Winter Sidewalk Safety Amendment Act of 2014” was introduced on March 4, 2014 by Councilmember Cheh. The legislation would establish fines to enforce snow removal requirements and require the Mayor to issue rules to implement the provisions of this act.

I. Background

The purpose of Bill 20-715 is to ensure that the District has safe sidewalks for pedestrians in the hours and days following District snow storms. In recent years, the Committee has heard numerous concerns from citizens unable to navigate District sidewalks in the days following snow events. The Committee heard from residents forced to walk in city streets because sidewalks were un-navigable; pedestrians falling as they try to navigate the icy sidewalks; and school children unable to safely walk to school. By creating minimum fines for property owners that fail to comply with sidewalk snow-removal requirements, the Council hopes to encourage citizens to perform their civic duties and ensure the safety of others.

A. Pedestrian Access

As the District’s Pedestrian Master Plan notes, walking has been an integral transportation mode for residents throughout the District’s history.¹ “[Pierre] L’Enfant’s plan for the City was inherently walkable. He envisioned a series of grand avenues radiating from the core of the City, and a grid street network which would overlay these avenues and conform to the contours of the land.”² A safe pedestrian network not only offers an amenity to residents, but promotes a number of public-interest goals, including reduced traffic congestion, environmental protections, and numerous health benefits. As such, the Committee on Transportation and the Environment has attempted to enhance and improve pedestrian mobility throughout the District.

B. Enforcement

Current law requires property owners to remove snow from sidewalks adjoining their property within the first eight daylight hours after a storm. Though this law has existed in the District since 1922, many property owners are unaware of their responsibility. In addition, the District’s enforcement authority is overly bureaucratic and ineffective. The current process for enforcement requires the Executive to remove snow from a sidewalk and then to have the Attorney General sue the adjacent property owner to recover costs.³ When the Committee inquired of the Attorney General as to how many times this practice has been used, the office

¹ District of Columbia Pedestrian Master Plan, April, 2009.

² *Id.*

³ Section 5 of the current snow removal statute authorizes the Mayor to remove snow from a sidewalk in the event that the property owner fails to do so. The cost for removal has to be certified by the Mayor, and forward to the Attorney General for enforcement pursuant to section 6. As noted above, notwithstanding this provision, the Executive has not historically conducted snow removal for sidewalks adjoining private property and has not sought enforcement through the Attorney General. Further, the Committee believes that the Mayor’s authority to clear snow already exists pursuant to his inherent authority. As such, the Committee print would repeal section 5.

was unable to identify a single case. If the District is to successfully ensure that the law is being followed, a new enforcement mechanism is needed.

C. Dangerous Sidewalk Conditions Post-storm

Increasingly, residents are relying on safe pedestrian infrastructure to get around the District. Nearly 40% of the District's population does not own an automobile. As the number of individuals traveling without an automobile continues to rise, the city must ensure that residents and visitors wishing to navigate the District on foot are able to do so in a safe and efficient manner.⁴ Further, for those using public transit to reach their destination, the use of sidewalks to reach that public transit is crucial.

Certain populations rely more heavily on navigable sidewalks. Senior and disabled residents often rely on sidewalks to access community amenities and maintain their independence. Though some residents can push snow banks and walk across icy patches, others are at higher risk and are simply unable to travel if sidewalks remain impeded by snow.

The District received a significant amount of snowfall in December 2013 and January and February 2014. The Committee heard complaints from many residents about residential and commercial property owners that allowed snow and ice to accumulate on the sidewalk in front of their property. The failure by property owners to clear the sidewalk that abuts their property led to many residents needing to walk in the street in order to take mass transit or walk to their destination.

Testimony presented at hearing held by the Committee on the Environment, Public Works, and Transportation on February 9, 2011 detailed treacherous conditions on District sidewalks following snowstorms.⁵ The Committee heard from concerned citizens, Advisory Neighborhood Commissions, pedestrian advocacy groups, and the Department of Public Works, all of which recognized these concerns.

Evidence presented at the hearing echoed complaints and concerns heard in 2013 and 2014. The Committee heard a number of stories from citizens who were forced to climb over huge snow banks on street corners to cross the street. Children were left with terrible conditions to navigate in order to return to school. Many seniors and disabled residents were unable to leave their homes because the only available pathways were simply footprints of others who had marched their way through the piles of snow. Citizen concerns were heightened partially in response to several large snow storms that had occurred the previous winter. Traversing District sidewalks became a significant challenge as snow sat for days and even weeks before it was removed or melted.

⁴ The Metropolitan Police Department reports approximately 670 pedestrian injuries annually, higher than similarly sized cities nationwide. District of Columbia Pedestrian Master Plan, April 2009, pg. 16.

⁵ Similar testimony was presented to the Department of Transportation during the public outreach campaign that preceded the District of Columbia Pedestrian Master Plan.

II. Legislative Action: Description & Analysis

A. Proposed Changes

The committee print of B20-715 is modeled on the enforcement mechanisms of other major cities. The bill would establish a graduated fine system that increases based on the number of violations. The District already requires snow removal within the first eight daylight hours after a storm concludes. The committee print would create a scheme for imposing fines on two graduated scales. Fines for commercial properties would begin at \$125 for the first offense, increase to \$250 for the second offense, and then \$500 for the third and any subsequent offense. Fines for residential properties would begin at \$25 for the first offense, increase to \$50 for the second offense, and then \$100 for the third and any subsequent offense. Citations could be issued by the Department of Public Works, the District Department of Transportation, or the Metropolitan Police Department. Each of these agencies has designated enforcement personnel and experience in issuing citations.

The Committee recognizes that the initial implementation of this bill may strike many residents by surprise. Therefore, the Committee agrees with the suggestion made by the Director of the Department of Public Works and recommends that the Mayor engage in a public outreach campaign to inform residents that enforcement will begin with the first snowfall and that they will be fined if they fail to comply.

The Committee believes that the sidewalks cleared by property owners provide all District residents with the ability to traverse through the city. Although a small clearing may be sufficient for many people in the District, seniors and residents who have a disability may still find cleared pathways difficult to utilize. The Committee therefore recommends that any cleared path be a minimum of 36 inches wide in order to ensure that the walkway is compliant with the federal Americans with Disabilities Act (ADA).

B. Best Practices of Other Jurisdictions

The Committee has examined the enforcement practices of a number of other jurisdictions to understand how to improve the District's current approach.

For example, *New York City* requires that property owners clear sidewalks adjacent to their properties within four hours of the end of a snow storm or by 11:00 AM if the snowstorm continues after 9:00 PM. Fines are imposed on a graduated scale of \$100 to \$150 for the first offense, \$150 to \$350 for the second offense, and \$250 to \$350 for the third and subsequent offenses.

Similarly, *the City of Boston* has a law requiring that property owners remove snow and ice from their sidewalks within three hours of snowfall ending. When removing the snow, property owners must clear a path that is, at a minimum, 42 inches wide. This requirement ensures that the walkways are ADA-compliant. Fines for violations are imposed daily on three separate scales according to the type of property owner. The fines range from \$50 to \$200. *Chicago* also maintains a fine structure that depends on the type of property. Residential-

property owners are liable up to \$50 per violation, while business are liable for \$250 to \$500 per violation. Similar to the minimum path requirement in Boston, *Arlington County* requires that snow and ice be removed from the entire width of the sidewalk up to 36 inches so as to accommodate wheelchairs and strollers.

Local ordinances in *Philadelphia* give residents six hours to remove snow and ice from public sidewalks adjacent to their property within 24 hours after snow stops falling when accumulations are less than 6 inches, and within 36 hours when 6 or more inches of snow accumulate. Penalties for noncompliance range from \$50 for sidewalks less than 200 feet in length to \$100 for sidewalks longer than 200 feet. In *Prince George's County*, residents face a \$100 fine per violation.

C. Case Law

During the hearing on May 1, 2014, Department of Public Works Director William O. Howland, Jr. expressed concern that the change to the District's law proposed by the bill could subject the District to liability if an individual became injured due to snow or ice that remained on a sidewalk. As an example, the agency referred to *Smith v. District of Columbia*,⁶ a 1951 case from the U.S. Court of Appeals for the D.C. Circuit. The court held in *Smith* that the District could be found liable for not removing snow or ice if it creates a hazardous condition, and that condition has remained for a sufficient period of time to provide the Mayor with constructive notice or the Mayor had actual notice of the situation.

The Committee believes that the case law would not subject the District to liability under the changes proposed by this bill. The case law to which the agency refers, including *Smith*, rely upon section 5 of the 1922 law that addresses snow removal—the section that requires the Executive to remove the snow when a property owner fails to take such action. This bill proposes repealing section 5, and therefore removes any obligation placed upon the District to remove snow or ice from sidewalks. Therefore, the bill removes any provision that may make the District susceptible to liability.

CHRONOLOGY OF ACTION

March 4, 2014	Introduction of Bill 20-715 by Councilmember Cheh and co-sponsored by Councilmembers Wells, Grosso, and Evans
March 4, 2014	Referral of Bill 20-715 to the Committee on Transportation and the Environment
March 14, 2014	Notice of Intent to Act on Bill 20-715 is published in the <i>District of Columbia Register</i>
March 14, 2014	Notice of Public Hearing on Bill 20-715 is published in the <i>District of Columbia Register</i>

⁶ 189 F.2d 671 (D.C. Cir. 1951)

May 1, 2014	Public hearing on Bill 20-715 held by the Committee on Transportation and the Environment
May 8, 2014	Hearing Record on Bill 20-715 closed
June 19, 2014	The Committee on Transportation and the Environment filed the Hearing Record on Bill 20-715 with the Secretary to the Council
October 1, 2014	Consideration and vote on Bill 20-715 by Committee on Transportation and the Environment

POSITION OF THE EXECUTIVE

On May 1, 2014, William O. Howland, Jr. Director of the Department of Public Works testified on behalf of the Executive and did not oppose Bill 20-715. Director Howland suggested that the exemption provided to seniors and the disabled be limited to property owners that occupy the residential property in question, that the exemption be limited in duration, and that the exemption require re-application to ensure accuracy. Additionally, Director Howland suggested that, rather than issuing a warning to property owners, the Department of Public Works could conduct a saturation outreach campaign to inform property owners that enforcement will begin with the first snowfall.

RECOMMENDATIONS BY ADVISORY NEIGHBORHOOD COMMISSIONS

No Advisory Neighborhood Commission adopted a resolution concerning Bill 20-715 prior to the close of the hearing record.

LIST OF WITNESSES AND HEARING RECORD

On May 1, 2014, the Committee on Transportation and the Environment held a public hearing on Bill 20-715, the “Winter Sidewalk Safety Amendment Act of 2014.” A video recording of the hearing can be viewed online at oct.dc.gov. The hearing record was open until May 8, 2014. The following witnesses testified at the hearing or submitted statements outside of the hearing:

- Nicholas Losurdo, D.C. Dog Walks
- Ray Phillips, Ward 3 Resident
- Apartment and Office Building Association of Metropolitan Washington

The Hearing Record for this public hearing is on file with the Office of the Secretary.

IMPACT ON EXISTING LAW

Bill 20-715 would establish fines upon residential and commercial property owners to enforce snow removal requirements. This bill would also require the Mayor to issue rules to implement the provisions of this act.

FISCAL IMPACT

A fiscal impact statement issued by the Chief Financial Officer on September 9, 2014 is attached to this report. The Chief Financial Officer concluded that implementation of Bill 20-715 will cost \$130,000 in FY 2015.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the long and short titles of the legislation.

Section 2 repeals the obligation placed upon the Mayor to remove snow when a residential or commercial property owner does not take such action; establishes fines upon residential and commercial property owners to enforce snow removal requirements; and requires the Mayor to issue rules to implement snow removal requirements.

Section 3 contains the fiscal impact statement.

Section 4 contains the effective date.

COMMITTEE ACTION

On October 1, 2014, the Committee on Transportation and the Environment held an Additional Meeting to consider Bill 20-715, the "Winter Sidewalk Safety Amendment Act of 2014." Present and voting were Chairperson Mary M. Cheh and Councilmembers Jim Graham, David Grosso, Kenyan McDuffie, and Tommy Wells. Chairperson Cheh gave a brief opening statement that explained the bill, and Councilmember Graham expressed concern about the possible enforcement of this bill prior to the Mayor promulgating and implementing regulations, and how that may affect low-income residents. Councilmember Cheh responded by indicating that Bill 20-715 requires the Mayor to both inform the public of the change in the law and to promulgate and implement regulations by July 1, 2015, and that enforcement would not begin until October 1, 2015.

Chairperson Cheh then moved for approval of the Committee print of Bill 20-715. The Committee voted 4-1 to approve the Committee print with the members voting as follows

YES: Cheh, McDuffie, Wells, Grosso

NO: Graham

PRESENT: 0

Chairperson Cheh then moved for approval of the Committee report on Bill 20-715. The Committee voted 4-1 to approve the Committee report with members voting as follows:

YES: Cheh, McDuffie, Wells, Grosso

NO: Graham

PRESENT: 0

The meeting was adjourned.

LIST OF ATTACHMENTS

- (A) Bill 20-715, as introduced
- (B) Fiscal Impact Statement
- (C) Legal Sufficiency Determination
- (D) Comparative Print of Bill 20-715
- (E) Committee Print of Bill 20-715

ATTACHMENT

A

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From : 
Nyasha Smith, Secretary to the Council
Date : March 06, 2014
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Legislative Meeting on Tuesday, March 4, 2014. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Winter Sidewalk Safety Amendment Act of 2014", B20-0715

INTRODUCED BY: Councilmember Cheh

CO-SPONSORED BY: Councilmembers Wells, Grosso and Evans

The Chairman is referring this legislation to the Committee on Transportation and the Environment.

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Mary M. Cheh

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers Mary M. Cheh introduced the following bill, which was referred to the Committee on _____.

To amend An act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia to establish fines to enforce snow removal requirements; and to require the Mayor to issue rules to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Winter Sidewalk Safety Amendment Act of 2014."

Sec. 2. An act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, approved September 16, 1922. (42 Stat. 846; D.C. Code §9-601 *et seq.*), is amended as follows:

(a) Section 5 is repealed.

(b) Section 6 is amended to read as follows:

"Sec. 6. Failure of owner or occupant to remove – Fines .

"(a) Any residential property owner who fails to comply with the requirements of section 1 shall be fined:

"(1) Not more than \$25 for the first offense;

"(2) Not-more than \$50 for the second offense;

1 “(3) Not more than \$100 for each subsequent offense.

2 “(b) Any commercial property owner who fails to comply with the requirements
3 of section 1 shall be fined:

4 “(1) Not more than \$125 for the first offense;

5 “(2) Not more than \$250 for the second offense;

6 “(3) Not more than \$500 for each subsequent offense.

7 “(c) The Department of Public Works, the Metropolitan Police Department, and
8 the District Department of Transportation are authorized to issue fines for non-
9 compliance with this act.

10 “(d)(1) The Mayor shall issue rules to provide limited exemptions to property
11 owners who are persons with disabilities or seniors: provided, that such exemptions shall
12 apply only to residential properties.

13 “(2) A property owner shall receive one warning before being subject to
14 fines for violations of this section; provided, that this paragraph shall not apply after
15 December 31, 2014.

16 “(3) A property owner shall not be fined more than once per day per
17 property under this section.”.

18 “(e) Infractions of this act shall be adjudicated pursuant to the Department of
19 Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5,
20 1985 (D.C. Law 6-42; D.C. Official Code 2-1801.01 *et seq.*).”.

21 (c) A new section 8 is added to read as follows:

22 “Sec. 8. Rulemaking.

23 “The Mayor shall issues rules to implement the provisions of this act. Through
24 rulemaking, the Mayor may modify the schedule of fines listed in section 6.”.

1 Sec. 3. Fiscal Impact Statement.

2 The Council adopts the fiscal impact statement in the committee report as the
3 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
4 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02
5 (c)(3)).

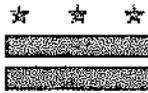
6 Sec. 4. Effective Date.

7 This act shall take effect following approval by the Mayor (or in the event of veto
8 by the Mayor, action by Council to override the veto), a 30-day period of Congressional
9 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,
10 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and
11 publication in the District of Columbia Register.

ATTACHMENT

B

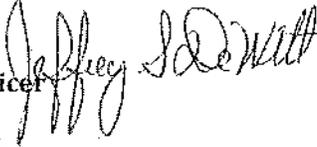
Government of the District of Columbia
Office of the Chief Financial Officer



Jeff DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeff DeWitt
Chief Financial Officer 

DATE: September 9, 2014

SUBJECT: Fiscal Impact Statement – Winter Sidewalk Safety Amendment Act of 2014

REFERENCE: Bill 20-715, Draft Committee Print as shared with the Office of Revenue Analysis on September 3, 2014

Conclusion

Funds are not sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill. Implementation of the bill will cost \$130,000 in FY 2015.

Background

District law¹ requires residents and businesses to shovel public sidewalks abutting their properties within eight daylight hours of the termination of a snow or sleet event. The current enforcement mechanism requires the Mayor to abate the situation and allows the District to sue an owner or occupant recovering expenses and assessing a fine in an amount not exceeding twenty-five dollars.² The Office of the Attorney General has not pursued any cases under these regulations.

The bill establishes a fine-based enforcement structure to ensure businesses and residents shovel sidewalks following a snow or sleet event and authorizes the Department of Public Works (DPW), Department of Transportation (DDOT), and Metropolitan Police Department (MPD) to issue notices of violation. Fines will range from twenty-five dollars to one hundred dollars on residential property owners and one hundred twenty-five dollars to five hundred dollars on commercial property owners for non-compliance. The fine schedule is outlined as follows:

¹ An act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, approved September 16, 1922 (42 Stat. 846; D.C. Official Code § 9-601 *et seq.*).

² D.C. Official Code § 9-605 and § 9-606.

Bill 20-715, Proposed Fine Structure	
Residential Property Owners	Commercial Property Owners
- \$25 for the first offense	- \$125 for the first offense
- \$50 for the second offense	- \$250 for the second offense
- \$100 for each subsequent offense	- \$500 for each subsequent offense

Additionally, the bill clearly defines that clearing the entire width of a sidewalk, up to a thirty-six inch wide path is what constitutes compliance with the law.

The bill requires the Mayor to provide written notice to property owners of their obligations under the bill and to promulgate rules that provide limited exceptions for senior and disabled property owners. Both of these actions must take place by July 1, 2015.

Financial Plan Impact

Funds are not sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

Notifying in writing all property owners about their obligations to clear sidewalks after snow and sleet events will require DPW to send notice to over 130,000 properties. This is a one-time mailing that will require additional resources at a cost approximately \$130,000.

The bill also authorizes, but does not mandate, DPW, DDOT, and MPD to enforce these violations. DPW and DDOT would be the agencies primarily responsible for implementation and currently have the enforcement staffs and mechanisms in place to implement the proposed legislation at no additional cost or staffing need.

As a practical matter, enforcement of these violations will be constrained by the ability of the enforcing agencies to dedicate staff resources following a snow or sleet event. DPW and DDOT staff are dedicated to roadway snow removal efforts until all roadways are cleared, which could be days after a snow or sleet event. MPD staff is also focused on public safety matters during and immediately following a snow or sleet event and are unlikely to have the capacity to enforce sidewalk violations.

Given the difficulties with enforcement and lack of historical record of sidewalk related complaints, the Office of Revenue Analysis will not certify any revenue increases associated with the issuance of these violations.

ATTACHMENT

C



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Mary Cheh

FROM: V. David Zvenyach, General Counsel



Certified by V. David Zvenyach
General Counsel
Council of the District of Columbia

DATE: September 15, 2014

**RE: Legal sufficiency determination for Bill 20-715, the
Winter Sidewalk Safety Amendment Act of 2014**

This measure is legally and technically sufficient for Council consideration.

Bill 20-715 proposes to amend An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia to provide that within the first 8 hours of daylight after snow has stopped falling, an owner of residential or commercial property must clear snow or sleet on the sidewalk in front of or abutting a building or lot of land to provide a path that is the entire width of the sidewalk, up to at least 36 inches wide.

The bill also proposes fines for a residential and commercial property owner who fails to comply with the snow removal requirements. Although the bill allows a property owner to delegate snow removal responsibilities, the owner would remain liable for payment of a fine issued for violations.

Finally, Bill 20-715 requires the Mayor to inform property owners in writing on or before July 1, 2015, of their snow removal obligations and to further inform them that violations will be enforced with the proposed new penalties beginning after October 1, 2015.

I am available if you have any questions.

VDZ

ATTACHMENT

D

1. Section 1 (D.C. Official Code § 9-601)

~~Sec. 1. Removal from sidewalks by owner or occupant of abutting property~~

~~It shall be the duty of every person, partnership, corporation, joint stock company, or syndicate in charge or control of any building or lot of land within the fire limits of the District of Columbia, fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, within the first 8 hours of daylight after the ceasing to fall of any snow or sleet, to remove and clear away, or cause to be removed and cleared away, such snow or sleet from so much of said sidewalk as is in front of or abuts on said building or lot of land.~~

Sec. 1. Removal from sidewalks by owner of abutting property.

It shall be the duty of the owner of a residential or commercial property that fronts or abuts a paved sidewalk, within the first 8 hours of daylight after the ceasing to fall of any snow or sleet, to remove and clear away, or cause to be removed and cleared away, snow or sleet that is in front of or abuts a building or lot of land to provide a path that is the entire width of the sidewalk, up to 36 inches wide; provided, that a residential or commercial property owner may delegate this responsibility to a tenant, occupant, lessee, or other individual by written agreement.

1. Section 5 (D.C. Official Code § 9-605)

~~Failure of owner or occupant to remove—Removal by Mayor~~

~~In the event of the failure of any person, partnership, corporation, joint stock company, or syndicate to remove or cause to be removed such snow or ice from the said sidewalks, or to make the same reasonably safe for travel, or cause the same to be made reasonably safe for travel, as hereinbefore provided, it shall be the duty of the Mayor of the District of Columbia, as soon as practicable after the expiration of the time herein provided for the removal thereof, or for the making of the said sidewalks reasonably safe for travel, to cause the snow and ice in front of such building or lot of land to be removed or to cause the same to be made reasonably safe, as hereinbefore directed to be done by such person, partnership, corporation, joint stock company, or syndicate in charge or control of such building or lot of land, and the amount of the expense of such removal or such work of making the said sidewalks reasonably safe for travel, shall in each instance be ascertained and certified by the said Mayor to the Corporation Counsel of the District of Columbia.~~

2. Section 6 (D.C. Official Code § 9-606)

~~Failure of owner or occupant to remove—Suit to recover cost~~

~~The Corporation Counsel is hereby directed and authorized to sue for and recover from such person, partnership, corporation, joint-stock company, or syndicate, the amount of such expense in the name of the District of Columbia, together with a penalty not exceeding \$25 for each offense, with costs, and when so recovered the amount shall be deposited to the credit of the District of Columbia.~~

Sec. 6. Failure of owner or occupant to remove – Fines.

(a) Upon finding of a violation of section 1, the Department of Public Works, the Metropolitan Police Department, and the District Department of Transportation may issue a citation to a residential or commercial property by posting the citation to the property in the following amounts:

(1) For a residential property:

(A) No more than \$25 for the first offense;

(B) No more than \$50 for the second offense; and

(C) No more than \$100 for each subsequent offense.

(2) For a commercial property:

(A) No more than \$125 for the first offense;

(B) No more than \$250 for the second offense; and

(C) No more than \$500 for each subsequent offense.

(b) Notwithstanding a residential or commercial property owner's delegation of the owner's responsibility to comply with section 1, the owner shall remain liable for payment of a fine issued in accordance with this subsection.

(c) No property owner shall be fined more than once per day per property for a violation of this act.

(d) On or before July 1, 2015, the Mayor shall inform property owners in writing of their obligations under section 1 and that penalties for violations of this act shall be enforced pursuant to this section beginning with any snow accumulation that occurs after October 1, 2015.

(e) Infractions of this act shall be adjudicated pursuant to the Litter Control Administrative Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-801 *et seq.*).

3. Section 8 (D.C. Official Code § 9-608)

Sec. 8. Rulemaking.

On or before July 1, 2015, the Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall promulgate regulations to implement the provisions of this act, including providing a limited exemption to section 1 for a residential property owner who is a senior or who has a disability. Through rulemaking, the Mayor may also modify the schedule of fines listed in section 6.

ATTACHMENT

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1 **Committee Print B20-715**
2 **Committee on Transportation and the Environment**
3 **October 1, 2014**
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8 A BILL
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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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17 To amend An act Providing for the removal of snow and ice from the paved sidewalks of the
18 District of Columbia to establish fines to enforce snow removal requirements; and to
19 require the Mayor to issue rules to implement the provisions of this act.
20

21
22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 act may be cited as the “Winter Sidewalk Safety Amendment Act of 2014”.

24 Sec. 2. An Act Providing for the removal of snow and ice from the paved sidewalks of
25 the District of Columbia, approved September 16, 1922 (42 Stat. 845; D.C. Official Code § 9-
26 601 *et seq.*), is amended as follows:

27 (a) Section 1 (D.C. Official Code § 9-601) is amended to read as follows:

28 “Sec. 1. Removal from sidewalks by owner of abutting property.

29 “It shall be the duty of the owner of a residential or commercial property that fronts or
30 abuts a paved sidewalk, within the first 8 hours of daylight after the ceasing to fall of any snow
31 or sleet, to remove and clear away, or cause to be removed and cleared away, snow or sleet that
32 is in front of or abuts a building or lot of land to provide a path that is the entire width of the
33 sidewalk, up to 36 inches wide; provided, that a residential or commercial property owner may

34 delegate this responsibility to a tenant, occupant, lessee, or other individual by written
35 agreement.”.

36 (b) Section 5 (D.C. Official Code § 9-605) is repealed.

37 (c) Section 6 (D.C. Official Code § 9-606) is amended to read as follows:

38 “Sec. 6. Failure of owner to remove – Fines.

39 “(a) Upon finding of a violation of section 1, the Department of Public Works, the
40 Metropolitan Police Department, and the District Department of Transportation may issue a
41 citation to a residential or commercial property by posting the citation to the property in the
42 following amounts:

43 “(1) For a residential property:

44 “(A) No more than \$25 for the first offense;

45 “(B) No more than \$50 for the second offense; and

46 “(C) No more than \$100 for each subsequent offense.

47 “(2) For a commercial property:

48 “(A) No more than \$125 for the first offense;

49 “(B) No more than \$250 for the second offense; and

50 “(C) No more than \$500 for each subsequent offense.

51 “(b) Notwithstanding a residential or commercial property owner’s delegation of the
52 owner’s responsibility to comply with section 1, the owner shall remain liable for payment of a
53 fine issued in accordance with this subsection.

54 “(c) No property owner shall be fined more than once per day per property for a violation
55 of this act.

56 “(d) On or before July 1, 2015, the Mayor shall inform property owners in writing of their
57 obligations under section 1 and that penalties for violations of this act shall be enforced pursuant
58 to this section beginning with any snow accumulation that occurs after October 1, 2015.

59 “(e) Infractions of this act shall be adjudicated pursuant to the Litter Control
60 Administrative Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code § 8-
61 801 *et seq.*).”.

62 (d) A new section 8 is added to read as follows:

63 “Sec. 8. Rulemaking.

64 “On or before July 1, 2015, the Mayor, pursuant to the District of Columbia
65 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code
66 § 2-501 *et seq.*), shall promulgate regulations to implement the provisions of this act, including
67 providing a limited exemption to section 1 for a residential property owner who is a senior or
68 who has a disability. Through rulemaking, the Mayor may also modify the schedule of fines
69 listed in section 6.”.

70 Sec. 3. Fiscal impact statement.

71 The Council adopts the fiscal impact statement in the committee report as the fiscal
72 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
73 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

74 Sec. 4. Effective date.

75 This act shall take effect following approval by the Mayor (or in the event of veto by the
76 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
77 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

78 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
79 Columbia Register.