

AN ACT  
**D.C. ACT 20-515**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
**DECEMBER 12, 2014**

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; to exempt seniors and persons with disabilities from receiving a fine, to require the Mayor to inform property owners in writing of the obligations and potential fines, 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. 845; D.C. Official Code § 9-601 *et seq.*), is amended as follows:

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

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

"(a) The owner of a residential or commercial property that fronts or abuts a paved sidewalk shall, within the first 8 hours of daylight after the ceasing to fall of any snow or sleet, 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.

"(b) If snow or sleet cannot be removed without causing injury to the paved sidewalk, then the owner of the residential or commercial property shall, within the first 8 hours of daylight after the ceasing to fall of any snow or sleet, make the sidewalk reasonably safe for travel by covering the unremoved snow or sleet with a coating of sand, sawdust, or other proper substance as necessary to render the sidewalk safe for pedestrian travel."

(b) Section 4 (D.C. Official Code § 9-604) is repealed.

(c) Section 5 (D.C. Official Code § 9-605) is repealed.

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

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

"(a)(1) Upon finding of a violation of section 1, the Mayor may issue a notice of infraction to a residential or commercial property.

“(2) A person authorized to issue a notice of infraction for a violation of section 1 shall not issue the notice to a residential property owner for a violation unless the violation continues to exist 24 hours after the snow or sleet has ceased to fall.

“(3) For a residential property, the fine for a violation of section 1 shall be no more than \$25.

“(4) For a commercial property, the fine for a violation of section 1 shall be \$150.

“(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 section; provided, that a property owner may seek reimbursement in the amount of the fine from a tenant, occupant, lessee, or other individual pursuant to the delegation of the owner’s responsibility in a written agreement.

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

“(d)(1) A residential property owner who is 65 years of age or older or who has a disability shall not be found in violation of this act, and shall qualify for an exemption.

“(2) For the purposes of this subsection, a residential property owner shall qualify as having a disability if the owner has been determined to have a disability pursuant to a government assistance program or has evidence from a medical doctor that he or she is unable to, or should not, undertake the physical activity required to remove sleet or snow.

“(e) On or before December 1st of each year, the Mayor shall publicize through public media the obligation to remove sleet or snow pursuant to section 1 and the penalties that might be enforced for failure to comply.

“(f) 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.*).”.

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

“Sec. 8. Rules.

“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 issue rules to implement the provisions of this act. The rules shall include a process whereby a senior or resident with a disability may self-certify his or her exemption from an infraction. Through rulemaking, the Mayor may also modify the schedule of fines listed in section 6. The Mayor shall submit a proposed modification to the schedule of fines to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not disapprove the modification by resolution within the 30-day period, the modification shall be deemed approved.”.

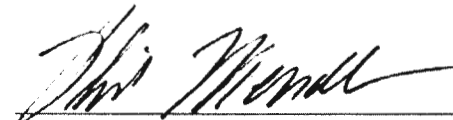
### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report and the fiscal impact statement of the Budget Director dated November 18, 2014, as the fiscal impact statements required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

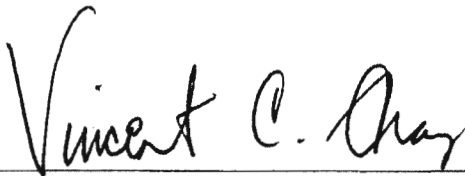
**ENROLLED ORIGINAL**

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
December 12, 2014





**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**WASHINGTON, D.C. 20004**

Docket No. **B20-715**

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

**ADOPTED FIRST READING, 10-28-14**

[X] VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

[X] ROLL CALL VOTE - Result

**PASSED**

( **7-6-0** )

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Catania	X				McDuffie	X			
Alexander		X			Cheh	X				Orange		X		
Barry		X			Evans	X				Wells	X			
Bonds		X			Graham		X							
Bowser		X			Grosso	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

**11-21-14**

Date

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

**ADOPTED FINAL READING, 11-18-14**

[X] VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

[X] ROLL CALL VOTE - Result

**PASSED**

( **10-3-0** )

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Catania	X				McDuffie	X			
Alexander	X				Cheh	X				Orange	X			
Barry		X			Evans	X				Wells	X			
Bonds	X				Graham		X							
Bowser		X			Grosso	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

**11-21-14**

Date

[ ] ITEM ON CONSENT CALENDAR

[ ] ACTION & DATE

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[ ] ROLL CALL VOTE - Result

( )

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Catania					McDuffie				
Alexander					Cheh					Orange				
Barry					Evans					Wells				
Bonds					Graham									
Bowser					Grosso									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD



Secretary to the Council

Date