

Introduced 3/7/16
Public Hearing 3/21/16
Council Action 4/4/16
Executive Action 4/14/16
Effective Date 6/14/16

County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 3

Bill No. 13-2016

Introduced by: Calvin Ball

AN ACT allowing the County Executive to extend the time to remove snow from sidewalks during a specified state of emergency; and generally relating to sidewalks in Howard County.

Introduced and read first time March 7, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 21, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on April 4, 2016 and Passed , Passed with amendments _____, Failed _____.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of April 2016 at 11 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive April 14th, 2016.

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Code is amended to read as follows:*

3

4 *By amending*

5 *Title 6. County Executive and the Executive Branch.*

6 *Subtitle 1. The County Executive.*

7 *Sec. 6.104. (a) Executive authority during a local state of*
8 *emergency.*

9 *Title 18. Public Works.*

10 *Subtitle 4. - Sidewalks.*

11 *Sec. 18.402. (h) - Maintenance of sidewalks, driveways and sod.*

12

13 **Title 6. County Executive and the Executive Branch.**

14 **Subtitle 1. The County Executive.**

15

16 **Sec. 6.104. - Executive authority during a local state of emergency.**

17 (a) *Authority.* During a local state of emergency declared pursuant to section 6.103 of this
18 subtitle, the County Executive may issue executive orders that the Executive considers
19 necessary to implement the emergency operations plan and to protect the health, safety, and
20 welfare of persons within Howard County, including but not limited to orders to:

- 21 (1) Control traffic, including public and private transportation;
22 (2) Designate zones in the area of the emergency in which the occupancy and use of
23 buildings and vehicles may be controlled;
24 (3) Control the movement of individuals or vehicles in, into, or from the area of the
25 emergency;
26 (4) Control places of amusement and places of assembly;
27 (5) Control individuals on public streets;
28 (6) Establish curfews;
29 (7) Establish requirements to shelter in place;
30 (8) Control the sale, transportation, and use of alcoholic beverages;

- 1 (9) Control the possession, sale, carrying, and use of firearms, other dangerous
2 weapons, and ammunition; [[and]]
3 (10) Control the storage, use, and transportation of explosives, flammable materials,
4 or liquids considered to be dangerous to public safety [[.]] ; AND
5 (11) EXTEND THE DEADLINE FOR REMOVING SNOW FROM SIDEWALKS UNDER SECTION
6 18.402(H) OF THE COUNTY CODE.
7
8

9 **Title 18. Public Works.**

10 **Subtitle 4. - Sidewalks.**

11 **Sec. 18.402. - Maintenance of sidewalks, driveways and sod.**

12 (h)(1) [[It]] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IT shall be the duty
13 and obligation of the owner of property abutting a sidewalk in a public right-of-way to
14 remove snow from the sidewalk within 48 hours after the snow has fallen. In the case of a
15 multiunit building with more than one occupant, it shall be the duty of the lessor to remove
16 the snow unless the lessor has obligated a tenant who is actually occupying the property to
17 do so. Any owner of property abutting a sidewalk in a public right-of-way, lessor of a
18 multiunit building, or tenant obligated by the lessor, who fails to remove the snow from the
19 abutting sidewalk within 48 hours after the snow has fallen shall be guilty of a
20 misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$25.00
21 nor more than \$50.00. Alternatively or in addition to and concurrent with all other
22 remedies, the Department of Public Works or the Police Department may enforce the
23 subsection with civil penalties pursuant to title 24, "Civil Penalties," of the Howard County
24 Code. A violation shall be a Class E offense.

25 (2) IF THE COUNTY EXECUTIVE DECLARES A STATE OF EMERGENCY UNDER § 6.103 OF
26 THE COUNTY CODE, THE COUNTY EXECUTIVE MAY EXTEND THE TIME TO REMOVE SNOW.
27

28 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
29 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on April 14, 2016.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

Howard County Government Warning via Social Media (<http://scotteblog.com/2016/01/25/howard-county-government-warning-via-social-media/>)

POSTED ON JANUARY 25, 2016 (<HTTP://SCOTTEBLOG.COM/2016/01/25/HOWARD-COUNTY-GOVERNMENT-WARNING-VIA-SOCIAL-MEDIA/>) UPDATED ON JANUARY 25, 2016
(<HTTP://SCOTTEBLOG.COM/2016/01/25/HOWARD-COUNTY-GOVERNMENT-WARNING-VIA-SOCIAL-MEDIA/>)

******Update Notice:** There has been new guidance this morning: <http://scotteblog.com/2016/01/25/new-information-of-howard-county-government-about-sidewalks/>
(<http://scotteblog.com/2016/01/25/new-information-of-howard-county-government-about-sidewalks/>)

So when our elected officials and local government social media accounts do good on social media. I am the first one to say what a good job they are doing informing us (the residents) of important information. What happened from the Howard County Government Facebook page yesterday was not a case of that.



Howard County Government

15 hrs · 10

Property owners who abut a sidewalk in a public right-of-way please be aware, per Sec.18.402 (h) of the Howard County Code: "It shall be the duty and obligation of the owner of property abutting a sidewalk in a public right-of-way to remove snow from the sidewalk within 48 hours after the snow has fallen. In the case of a multiunit building with more than one occupant, it shall be the duty of the lessor to remove the snow unless the lessor has obligated a tenant who is actually occupying the property to do so. Any owner of property abutting a sidewalk in a public right-of-way, lessor of a multiunit building, or tenant obligated by the lessor, who fails to remove the snow from the abutting sidewalk within 48 hours after the snow has fallen shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$25.00 nor more than \$50.00. Alternatively or in addition to and concurrent with all other remedies, the Department of Public Works or the Police Department may enforce the subsection with civil penalties pursuant to title 24, 'Civil Penalties,' of the Howard County Code. A violation shall be a Class E offense."

To report a property owner who has not cleared the sidewalk within this time frame, please call the County's non-emergency phone number at 410-313-2200 or Department of Public Works, Bureau of Highways at 410-313-7450.

To view the Code, please visit https://www.municode.com/.../howard.../codes/code_of_ordinances...

This seems wrong given the impact of the latest storm. There are so many roads still not plowed and to provide this information (or warning or threat given how you read it) does not seem appropriate. Go read the comments on Facebook. I am far from alone in this feeling. <https://www.facebook.com/hocogov/posts/941234972590414?fref=nf>
(<https://www.facebook.com/hocogov/posts/941234972590414?fref=nf>)

I worked hard clearing "a path" on the sidewalk in front of my house but I have heard of many instances where it would be near impossible for residents to have their sidewalks fully cleared by today. It is also 9 degrees this morning...with a high expected around 35 - not real helpful in getting rid of this snow anytime soon.

I call on Allan Kittleman to have his staff respond to the MANY comments on Facebook and to post an update that is more responsible to the situation that we all face with this latest storm

The roads are still a bit sketchy out there so everyone be careful if you have to be out and about.

Scott E

******Update Notice:** There has been new guidance this morning: <http://scotteblog.com/2016/01/25/new-information-of-howard-county-government-about-sidewalks/>
(<http://scotteblog.com/2016/01/25/new-information-of-howard-county-government-about-sidewalks/>)

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f Facebook 28 (<http://scotteblog.com/2016/01/25/howard-county-government-warning-via-social-media/?share=facebook&nb=1>)

Scott E's Blog

Howard County Maryland Information About Technology, Politics, Events, Sports and More
(<http://scotteblog.com/>)

New information from Howard County Government about sidewalks (<http://scotteblog.com/2016/01/25/new-information-from-howard-county-government-about-sidewalks/>)

POSTED ON JANUARY 25, 2016 ([HTTP://SCOTTEBLOG.COM/2016/01/25/NEW-INFORMATION-FROM-HOWARD-COUNTY-GOVERNMENT-ABOUT-SIDEWALKS/](http://scotteblog.com/2016/01/25/new-information-from-howard-county-government-about-sidewalks/)) UPDATED ON JANUARY 25, 2016 ([HTTP://SCOTTEBLOG.COM/2016/01/25/NEW-INFORMATION-FROM-HOWARD-COUNTY-GOVERNMENT-ABOUT-SIDEWALKS/](http://scotteblog.com/2016/01/25/new-information-from-howard-county-government-about-sidewalks/))

Here is the new guidance provide from Howard County Government about our sidewalks:



Howard County Government

2 mins ·

An IMPORTANT MESSAGE about shoveling your sidewalk:

We are asking that you do what you can, when you can, to shovel sidewalks. This is essential to helping us recover from the storm. But we understand this is an historic storm and we do not want you to do anything to jeopardize your personal health or safety.

Glad to see that they have updated their stance about sidewalks in this historic snowfall event.

On a personal note, Allan Kittleman did respond to me and I REALLY appreciate his response.

Scott E

Update: Here is what went out from the HoCoExec Facebook page:



Howard County Executive Allan H. Kittleman

40 mins ·

An IMPORTANT MESSAGE and an apology about shoveling your sidewalk:

We are asking that you do what you can, when you can, to shovel sidewalks. This is essential to helping us recover from the storm. But we understand this is an historic storm and we do not want you to do anything that could jeopardize your personal health or safety.

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