WHEN THE FIRST FLAKES of any winter storm start to accumulate on your property, chances are your thoughts are focused on keeping your facility operational and safe. But have you ever considered if your snow and ice program is accounting for any state or local codes?

Aside from the ever-present liability issues that represent the largest legal challenge associated with winter weather, there are also countless local and state ordinances governing this critical service. 

As an overview, here are a handful of concerns that either state or local authorities typically regulate and often issue violations for non-compliance.

The most common compliance regulations found regarding snow removal relate to the timing and extent of services required. Almost every municipality has laws in place that require property owners to clear snow from municipal walkways within a set timeframe, typically between three and 24 hours from the end of a snowfall. Additionally, it is commonplace to require a minimum width of 36 to 48 inches be cleared on public sidewalks. This is particularly applicable in urban locations where sidewalks can be much larger than on suburban sites. Aside from the clearing and timing concerns, every town maintains strict requirements around maintaining access to life safety elements – fire hydrants, drainage inlets and fire exits. Failure to provide adequate clearance around these areas will almost certainly lead to violation notices.

When clearing parking lots, specific attention must be given to vehicular sight lines. Ingress and egress lanes must have clear visibility towards public roadways and snow stacked in these areas should always be kept to a minimal height that allows for a clear line of sight. Another serious violation occurs when snow from within a site is plowed onto a public roadway. At all times, when snow falls within a site, it should remain within that site’s limit during the clearing operation.

One of the most serious and often the most difficult violations to monitor relates to ecological concerns that limit the usage of deicing agents. In some locations, runoff from retail facilities may directly enter the public drinking water sources or impact ecologically sensitive environments. When these situations are present, the use of chemical deicing products can be severely restricted or even banned. Failure to comply with regulations governing chemical use in these areas can lead to substantial penalties.

Not all code infractions relating to snow happen on the ground. In the most extreme winter conditions, accumulating snow and ice on rooftops can create safety concerns and lead municipalities to force store closures. A strong monitoring program can help to proactively identify concerns with roof loads, leading to scheduled versus mandated roof clearings, as well as avoiding potential safety violations.

The last area and perhaps the most prominent place where snow and ice is subject to code violations lie within the transportation element of the retail industry. Most every state requires that all tractors and trailers be cleared of accumulated snow and ice before they access any public roadway. This would include not only trailers leaving distribution centers but also those in active use at store loading docks. Failure to properly rid these vehicles of winter accumulations will not only expose you to liability on the roadways it will also subject you to fines and violations.

Bottom line: the retail industry should remain focused on keeping stores open and maintaining safe environments, but collectively we need to ensure that we are accounting for the various codes and laws impacting this service.

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