

## **Snow Removal Claims Policy**

Garrett County's Roads Department has a common law duty to maintain roadways making every effort to plow and apply abrasives on County roads quickly and safely during all winter weather emergencies. Because of the road conditions during inclement weather, some property damage is unavoidable. The following represents the County's policy for handling claims consistently for damage to property resulting from the County's snow removal activities.

Property located within the County right of way.

### **A. Mailboxes**

1. If a mailbox that is legally placed within the County right of way is damaged as a result of physical contact of a snowplow or other piece of snow removal equipment, the County will be responsible for replacing the mailbox with a standard issue mailbox.
  - a. Posts for mailboxes will be replaced as necessary;
  - b. Numbers and lettering will not be included in the replacement of the standard issue mailbox.
2. If a mailbox is damaged as a result of the weight or impact of snow and ice being moved by a County snowplow or other piece of snow removal equipment, but there has been no physical contact with the box by a piece of County equipment, the County will not assume responsibility for the repair or replacement of the mailbox.

### **B. Other Structures**

On occasion, structures other than mailboxes may be placed within the County right of way by permit obtained in conformity with the County Utility Policy.

1. Claims for damage to structures that are permitted to be located in the County right of way and that are built in conformity with the policy and permit will be handled in the same way as claims for damage to mailboxes:
  - a. The County will be responsible for the repair or replacement if there has been physical contact of a snowplow or other piece of snow removal equipment with the structure;

- b. The County will not be responsible for damage caused by the movement of snow or ice.
2. The County will not assume responsibility for damage caused by unpermitted structures located within the County right of way.

**C. Landscaping**

Many property owners' plant and seed within the County right of way adjoining their property. During the ordinary course of removing snow from County roads, damage to this kind of landscaping will occur – from movement of snow and ice, from contact with the equipment, and from applying abrasives.

1. The County will not be responsible for damage to landscaping and plantings that have been placed in the County right of way.
2. If the County's Roads Department maintains the right of way, then the County will repair damage to seeded areas in accordance with its procedures. The County will not be responsible for any repair or replacement work in the right of way by the owner of private property adjoining or adjacent to the right of way.

**D. Removal of Anti-Abrasives**

Anti-abrasive distribution is a necessary part of snow and ice removal and is considered a normal roadway hazard. Generally, anti-abrasives do not cause damage to vehicles unless the vehicle is following too closely and refuses to yield to a snow removal vehicle.

1. The County will not be responsible for paint damage to a vehicle, if the anti-abrasive distributor is properly functioning.
2. The County is aware that abrasives do in fact get either blown or plowed onto areas in close proximity to County Roads. This is unavoidable. However, the County's Roads Department is prohibited from performing any cleanup on private right of ways. The County will remove anti-abrasives on County roads and right of ways which is typically completed at the end of the snow season.

**E. Private Property**

Snow removal activities do not usually cause damage to private property adjoining the roads that the County plows, that is, property outside the County's right of way.

1. Any claim that property located outside the County right of way was damaged as a result of the County's snow removal operations will be investigated, and liability will be determined on a case-by-case basis.

If you believe the County damaged your property due to snow removal activities, please contact the respective Garrett County Roads Garage.

Accident - (301) 746-8156

Grantsville (301) 895-5631

Oakland (301) 334-9337

[Winter Mailbox Tips](#)