

**SIDEWALK ORDINANCE
SNOW AND ICE REMOVAL – LIABILITY**

1. Definitions.

The following words shall, unless the context requires otherwise, be construed and understood as follows:

SIDEWALK – Any portion of the street, usually lying on either side thereof, between the curb and the adjacent property line, intended for the use of pedestrians by virtue of having been improved by pavement whether of asphalt, concrete or stone.

STREET – Includes avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all of the public thoroughfares in the Town and means all that part thereof from property line to property line of the premises abutting thereon.

2. Removal of Snow and Ice Required.

2.1 DUTY TO REMOVE. Any fall of snow or sleet upon any sidewalk in the Town or any ice upon such sidewalks shall be removed by the owner, occupant or person having the care, maintenance or rental of the land, building or premises adjoining or fronting upon such sidewalk or connected therewith.

2.2 TIME WITHIN WHICH SNOW IS TO BE REMOVED. Such removal of snow or sleet as provided for in Subsection 2.1 above shall be made within 24 hours following the cessation of the fall of snow or sleet, or 36 hours on weekends.

2.3 UNREMOVABLE SNOW TO BE MADE SAFE. If snow, sleet or ice cannot be wholly removed as provided in Subsection 2.2 above; the owner, occupant or person having the care, maintenance or rental of such premises shall remove so much thereof as is reasonably possible and sprinkle sufficient sand or other proper substance in such quantity over the entire surface of the unremovable snow, sleet or ice remaining upon such sidewalk as may be required to keep the same in safe condition for public travel at all times.

2.4 PENALTY FOR FAILURE TO REMOVE. Any person who violates or refuses or neglects to comply with the provisions of the preceding subsections shall be punished by a fine of not more than \$25 for a first violation, \$100 for a second violation and \$100 for each subsequent violation. Each day of failure to comply with the requirements of this Ordinance shall constitute a separate offense.

2.5 TOWN TO CLEAR SIDEWALKS AT OWNER'S EXPENSE. In addition to any other penalty provided by law, if any owner or occupant fails to comply with the provisions of Subsections 2.2 and 2.3 above, the Department of Public Works and its employees may clean and remove all snow and ice from such sidewalks. The

expense of such removal shall be a lien upon the premises adjoining and abutting on such sidewalks, and the Board of Selectmen may cause a certificate of lien therefore to be recorded in the town clerk's office within sixty (60) days after such removal.

2.6 FORECLOSURE OF LIEN. The expense of cleaning and removal of snow and ice by the Department of Public Works as provided in Subsection 2.5 above and the cost of the lien therefore may be entered in the next succeeding rate bill for taxes against the owner of the premises with the tax assessed upon such premises, and if such expense and such cost of lien is paid with such taxes, the lien shall be discharged; if not so paid, the lien may be foreclosed in the manner provided by law for the foreclosure of other liens for local improvements.

3. **Liability of Sidewalk Abutter.**

3.1 Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general statute or special act, the Town of Ellington shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of Ellington is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided the Town of Ellington shall be liable for its affirmative acts with respect to such sidewalk.

3.2 The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this ordinance adopted pursuant to the provisions of Connecticut General Statutes Sec. 7-163a and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

3.2.1 If the Department of Public Works clears the sidewalk of snow, sleet or ice pursuant to paragraph 2.5 hereof, it shall be deemed the agent of the abutter responsible for said clearing and none of such work shall constitute an affirmative act of the Town under paragraph 3.1.

3.3 No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

This Ordinance shall be effective on November 2 , 2002.

Board of Selectmen Recommend Adoption on	<u>9/23/02</u>
Public Hearing Held on	<u>9/23/02</u>
Approved by Town Meeting on	<u>10/07/02</u>