

## **ORDINANCE REGARDING SNOW AND ICE REMOVAL**

BE IT ORDAINED by the Town Council of the Town of Plainville in meeting duly assembled, that:

1. The Ordinance entitled “Ordinance Relating to Installation, Repair and Maintenance of Sidewalks” is hereby amended by deleting Section 7: Snow Removal and renumbering Section 8: Separability to read Section 7: Separability.

2. An Ordinance entitled “Ordinance Regarding Snow and Ice Removal” is adopted as set forth hereafter:

**SECTION 1. SNOW REMOVAL.** The owner and the tenant of any premises adjacent to a sidewalk shall remove or cause to be removed any snow from said sidewalk, to make the same safe for use by the general public, within twenty-four (24) hours of snowfall, and shall remove any ice, or fully cover any ice with sand, ashes or similar substance within twenty-four (24) hours of formation. Violation of this section of this Ordinance shall be punishable by a fine of \$25.00. Each twenty-four (24) hour period in which said owner or tenant fails to remove said snow or ice, after notice of violation, shall constitute a separate offense. If said owner, tenant or occupant of any premises adjacent to a sidewalk fails or neglects to remove, or have removed, any snow or ice from said sidewalk, the municipality may remove, or have removed, said snow or ice for reasons of public safety, and the expense of same shall be borne by said owner, tenant or occupant. The municipality shall have the right to lien said premises adjoining said sidewalk by causing a certificate of lien to be recorded in the Town Clerk's office within sixty (60) days from completion of such snow or ice removal.

**SECTION 2. PLOWING AND THROWING SNOW AND ICE INTO THE STREET.** No owner, tenant, occupant or their agent shall plow, throw, put, or cause to be thrown or put any snow or ice from any private property, from any area in the rear of said private property, from any legally laid-out sidewalk, or from the area between a private dwelling house or structure and the legally laid-out sidewalk, into any public highway, street or traveled roadway in the Town. Violation of this section of this Ordinance shall be deemed an infraction as defined in the Connecticut General Statutes, and punishable by a fine of \$25.00.

**SECTION 3. MUNICIPAL LIABILITY FOR ICE AND SNOW REMOVAL.**

- A. The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted and are set forth in Subsections B, C, and D hereof.
- B. Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general or special act, the municipality shall not be liable to any person for injury to person or property due to the presence of ice or snow on a public sidewalk unless the municipality is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the municipality shall be liable for its affirmative acts with respect to any such sidewalk under its possession and control.
- C. 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 chapter and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
- D. No action to recover damages for injury to person or 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 (2) years from the date when the injury is first sustained.

**SECTION 4. SEPARABILITY.** If any provision of this Ordinance shall be declared invalid, such action shall not effect the validity of any other provision thereof.

Adopted by Town Council March 21, 1983

Amended December 15, 2014