

**§ 180-2. Duty of abutters to abate snow and ice hazards. (Complete Ordinance redo)**

- A. The owner, agent of the owner, or occupant of any building or land bordering upon any street, square or public place within the Town where there is a sidewalk, concrete or paved, or a fire hydrant, shall cause to be removed therefrom any and all snow, sleet and ice within thirty-six (36) hours after the same shall have fallen; and thereafter cause a such walk to be made safe and convenient by removing the ice therefrom, or by covering the same with sand or some other suitable substance.
- B. Sidewalks shall be cleared and safe for pedestrian use to access push-button signals, through snow windrows at intersecting streets, crosswalks, sidewalk ramps, and bus stops so that pedestrians have unimpeded access to pedestrian push-button signals and have walking space to cross at intersecting streets, crosswalks, sidewalk ramps, and bus stops.
- C. Fire hydrants shall be cleared of snow and ice to create a four-foot clearance in all directions, and a three-foot-wide path should be cleared from the fire hydrant to the street, square or public place so that Fire Department personnel shall have unimpeded access to the fire hydrant.
- D. No person shall lay, throw, blow, place, or plow on or into any public sidewalk, public street, or public right-of-way any snow or ice from any private property, public or private sidewalk, or public right-of-way in a manner which jeopardizes public safety or impedes pedestrian or vehicular traffic.
- E. The owner, agent, or occupant of any building or lot of land, whose duty it is to clear the sidewalk or fire hydrant adjacent thereto, who shall violate any of the provisions of the foregoing subsections, or refuse or neglect to comply with the same, shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined \$75 per offense. Each twenty-four-hour period shall be deemed to constitute a separate offense.

**§ 180-2.1. Agreements imposing responsibility on occupants**

Should the owner or agent of the owner of any building or land be able to verify with written documentation that the occupant of the building or land is responsible for the removal of snow and ice, then the occupant will be deemed liable for violations under this article.

**§ 180-2.2. Removal of snow and ice by Town; lien.**

- A. In the event of the failure of the owner, agent of the owner, or the occupant of any building or land to comply with the provisions of § 180-2 above, and in addition to the penalty provided in § 180-2 above, the owner of the building or land shall be responsible for any expense incurred by the Town in removing snow, sleet, and ice from such public sidewalk so as to maintain the public sidewalk safe and convenient for public travel. Any expense incurred by the Town shall constitute a claim against the owner of the building or land adjacent to such public sidewalk and shall, upon the recording of a certificate of lien in the Town Clerk's office, as provided by statute, be a lien upon the premises adjoining such

public sidewalk in favor of the Town.

B. The removal of snow, sleet, or ice by the Town in accordance with Subsection A above may occur under either of the following circumstances:

- (1) When the building or land is vacant, unoccupied, or uninhabited and the timely removal of snow, sleet or ice jeopardizes public safety; or
- (2) After the issuance of two or more citations for violations of § 180-2.

C. Foreclosure of Lien. The expense of cleaning and removal of snow and ice by the Department of Public Works, Traffic Division, or the Fire Department as provided in the subsection 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 are 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.

#### **§ 180-2.3. Liability of corporate officers for violations.**

Whenever a private corporation shall violate the provisions of this article, any officers and/or directors of such corporation shall be personally liable for any fine imposed.

#### **§ 180-2.4. Disclaimer of Town liability for ice and snow on public sidewalks.**

A. Notwithstanding the provision of § 13a-149 of the General Statutes of the State of Connecticut or any other General Statutes, or any other general statute or special act, the City of Torrington 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 Manchester is the owner or the person in possession and control of land abutting such sidewalks, other than land used as a highway or street, provided that the Town of Manchester shall be liable for its affirmative acts with respect to such sidewalk.

B. 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 abutting his property as the municipality had prior to the effective date of this section, adopted pursuant to the provisions of Public Act No. 81-340,<sup>2</sup> and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

C. 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 be brought but within two years from the date when the injury is first sustained.