

ORDINANCE RELATING TO REMOVAL OF ICE OR SNOW FROM SIDEWALKS

Be it ordained by the Town of Beacon Falls.

Section 1.

The owner, tenant or any person having the care of any land or buildings fronting on any street or public place where there is any paved sidewalks, shall after the cessation of any storm or snow, ice or sleet, within twelve (12) hours after 7:00 a.m. if said snow, ice or sleet has not ceased falling before that hour, or if said snow ice or sleet has not ceased falling before 7:00 a.m., within twelve (12) daylight hours after said snow, ice or sleet has ceased to fall, cause the same to be removed from such paved sidewalk, and if the same cannot be removed, shall sprinkle thereon sand or other proper substance, so that such paved sidewalk shall be safe for travel by the general public at large.

Section 2.

Should the necessary party as set forth in Section 1 above default in the performance of the duties as therein set forth, the Police (Resident State Trooper/Beacon Falls Police **Officers**) shall issue a written warning for the first such offense within any twelve (12) month period. In the event said necessary party shall default in said duties as set forth subsequent to the issuance of said written warning, then in that event, he/she shall be fined \$25.00 for each subsequent violation. The provisions of this section and the foregoing Section 1 shall apply to the falling of snow from any building.

Section 3.

In the event, the owner, tenant or other party shall fail to clean said snow, ice or sleet from the sidewalk within twenty-four (24) hours after a written warning or a \$25.00 fine has been issued/levied under Section 2 above, the Superintendent of the Public Works Department of said Town of Beacon Falls shall proceed to clean or sand said sidewalks at the expense of the owner, tenant or other party, charging them the prevailing Town Street Department hourly labor and equipment employed in cleaning or sanding the same, but nothing in this subsection shall relieve the owner, tenant or other party from the penalty or duties imposed by Section 1 and 2 above.

Section 4.

No person shall throw or put, or cause to be thrown or put, any snow or ice from any private premises or from any area in the rear or outside of the sidewalk into any street in the Town in such manner or to such an extent as to unreasonably impede or cause inconvenience to public travel. **This includes all private contractors.**

Section 5.

In the event snow or ice should be thrown or put from any private premises or sidewalk onto any street in said Town as set forth in Section 4 above, then in that event, the owner, tenant or person having the care of such premises or sidewalk shall be fined \$25.00 for each instance of such throwing or putting, after a written warning has been issued by the Police as referred to above for a first offense within any twelve (12) month period.

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Section 6.

- A. The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted, and are set forth in paragraphs (b) and (c) hereof.
- B. Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other General Statute or Special Act, the Town of Beacon Falls 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 Beacon Falls is the owner or person in possession and control of land abutting such a sidewalk, other than land used as a highway or street, provided the Town of Beacon Falls shall be liable for its affirmative acts with respect to such sidewalk.
- 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 section adopted pursuant to the provisions of Section 7-136a of the Connecticut General Statutes 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 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 (2) years from the date when the injury is first sustained.

This Ordinance became effective on passage. Originally passed at a duly called Town Meeting held on May 25, 1989.

Public Hearing held on January 8, 2007.

Town Meeting held on January 29, 2007.

This revised Ordinance shall become effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls. Ordinance published on February 5, 2007.

This Ordinance became effective February 20, 2007.