

F.6 SIDEWALKS – 12/88

Sec. 1 The First Selectman shall provide for an inspection of Town accepted sidewalks and shall order the owner or occupants of property adjoining any defective sidewalk to repair the same. If such defect is not repaired within thirty (30) days from the date of order thereof, the First Selectman may order the repair of such defect and cost of such repair shall be collected by the Town of Marlborough from the defaulting property owner. (12/88)

Sec 2.1 Definitions.

The following words, terms and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Occupant means the tenant, lessee or any other person or entity in possession and control of any privately owned premises.

Owner means the person, estate, corporation or any other legal entity that owns or holds any interest in the premises. This includes all owners regardless of number or interest.

Premises means any tract, parcel, lot or other subdivision of land, within the town with or without buildings thereon, that adjoins or fronts on any sidewalk within the town or borders or adjoins any street, square or public place within the town where there is a sidewalk.

Sidewalk means any paved, graded, planked or raised, or in any other way improved, municipally-owned off-road walkway intended for public use.

Sec 2.2 Owner or occupant's duty to remove any obstruction from sidewalk.

Pursuant to C.G.S. § 7-148(c)(6)(C)(v), each owner or occupant of land adjacent to any sidewalk shall remove snow, ice, sleet, debris or any other obstruction there from.

Sec 2.3 Specific duty to remove snow and ice; throwing snow and ice into street.

(a) In addition to the duty on an owner or occupant pursuant to § 7-148(c)(6)(C)(v), an owner or occupant of any premises abutting a public sidewalk shall remove or cause to be removed from the entire width of such sidewalk any and all snow and ice within twenty-four (24) hours after the snow event has ceased.

(b) In any case or situation where the removal of ice is impossible or extremely difficult the owner or occupant shall cause such sidewalk to be made safe for public travel by covering the same with sand or some other suitable substance.

(c) All snow and ice accumulating in the street higher than a point 4 (four) inches below the bottom of the lowest outlet on any fire hydrant, and within a radius of three (3) feet from the center of such hydrant, shall be removed by the occupant or owner of the premises fronting on that portion of the street within twenty-four (24) hours after the snow event has ceased.

(d) No person shall throw or put, or cause to be thrown or put, any snow or ice into or onto the traveled portion of any public street or highway under the jurisdiction of the town.

Sec 2.4 Municipal liability for ice and snow on public sidewalks

(a) This section is adopted pursuant to C.G.S. § 7-163a.

(b) The Town of Marlborough 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 is the owner or in possession and control of land abutting such sidewalk.

(c) The owner, occupant, or person in possession 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 Town of Marlborough had prior to the effective date of this ordinance and such owner, occupant, or person in possession shall be liable to persons injured in person or property where a breach of said duty is a proximate cause of said injury.

Sec 2.5 Violation and penalty.

(a) Whenever any owner or occupant, as herein defined, whose duty it is to remove snow, ice, sleet, debris or any other obstruction or to otherwise make sidewalks safe for public travel, as herein provided, shall fail, refuse or neglect to comply with the same or shall otherwise violate any provision of this article shall be issued a citation and fined \$75.00 (seventy five dollars) for each offense. The citation must be paid upon receipt.

(b) Each and every day of refusal or neglect to comply with such provisions shall be deemed a separate offense.

(c) Any owner or occupant issued a citation pursuant to this article shall be entitled to a hearing pursuant to the provisions of C.G.S. §7-152c as revised.

(d) The Board of Selectmen shall appoint a hearing officer(s) pursuant to C.G.S. §7-152c as revised. The hearing officer(s) will conduct the hearing as provided for in C.G.S. §7-152c as revised.

Sec 2.6 Removal by Town upon violations; lien.

(a) Pursuant to C.G.S. § 7-148(c)(6)(C)(v), in the event any owner or occupant of premises as defined herein shall fail, neglect or refuse to remove snow, ice, sleet, debris, or any other obstruction from any sidewalk or to make any sidewalk safe for public travel or otherwise fails, neglects or refuses to comply with the provisions of this article, the First Selectman or his designee, upon such failure, neglect or refusal, may remove or cause to be removed any obstruction from such sidewalk or otherwise make it safe for public travel.

(b) The costs of such removal or other necessary action shall be a lien upon the premises concerned, provided the First Selectman shall cause a certificate of lien to be recorded in the office of the town clerk within 30 (thirty) days from such removal or other necessary action.

DATED AT MARLBOROUGH, CONNECTICUT, THIS 5th DAY OF OCTOBER, 2011