Chapter 172

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town of Somers as follows: Art. I, 2-21-1989 by the Special Town Meeting, effective 3-20-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Driveways -- See Ch. 104.
Vendors, hawkers and peddlers -- See Ch. 196.
Vending and sidewalk, tag and auction sales -- See Ch. 198.
Subdivision of land -- See Ch. 213.

ARTICLE I
Snow and Ice Removal
[Adopted 2-21-1989 by the Special Town Meeting, effective 3-20-1989]

~ 172-1. Purpose.

The Town of Somers, in order to protect and ensure the safety of the residents of the Town of Somers, does hereby adopt this Article requiring the removal of ice and snow from public sidewalks in the Town of Somers.

~ 172-2. Definitions.

For the purpose of this Article, the following words or phrases, except as hereinafter otherwise specifically used, designed or defined, shall mean, include and be defined as follows:

OCCUPANT -- Tenant or any other occupant.

OWNER:

A. Owner or agent or representative of owner, person, estate, private corporation or any other legal entity.

B. All owners regardless of number or interest.

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

SIDEWALK -- Any public sidewalk, whether paved, graded, planked or raised or improved in any other way.

~ 172-3. Duty of owners and occupants; time limit for removal.

A. It shall be the duty of every owner or occupant of any premises within the town where there is a public sidewalk to remove or cause to be removed from such public sidewalk any and all snow and ice within the following time limits:

(1) In the case of snow, twelve (12) hours from the time the snow has ceased or stopped falling.

(2) In the case of ice, twelve (12) hours from the time conditions which have caused the sidewalk to have ice upon it or to be covered with ice have stopped or ceased to exist.

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

~ 172-4. Penalties for offenses.

A. Whenever any owner or occupant of premises, as herein defined, whose duty it is to remove snow and ice or to otherwise make public sidewalks safe for public travel, as herein provided, shall fail, refuse or neglect to comply with this Article or shall otherwise violate any provision of the same, said owner or occupant shall be deemed guilty of a misdemeanor and fined as provided herein.

B. All such violations shall be prosecuted by the Hearing Officer and the fine upon conviction shall be as follows:

(1) Not to exceed fifty dollars ($50.) for each violation.

(2) Each twelve-hour period of failure, neglect or refusal to comply with the provisions of this Article shall be deemed a separate violation for which there shall be a separate fine.

C. There shall be joint duty and joint liability on the part of all in the following situations and for any violations of this Article, and each one concerned shall be separately fined upon conviction:

(1) Where there is more than one (1) owner or occupant of a particular premises upon whom the duty is imposed to remove ice or snow or to do any other thing provided for in this Article.

(2) Where there is an occupant or occupants in addition to an owner or owners of a particular premises upon whom the duty is imposed to remove ice or snow or to do any other thing provided for in this Article.

~ 172-5. Action by town; liens.

A. In the event that any owner or occupant of premises, as defined herein, shall fail, neglect or refuse to remove snow or ice from any public sidewalk or to make any public sidewalk safe for public travel or otherwise fails, neglects or refuses to comply with the provisions of this Article, the town, upon such failure, neglect or refusal, may remove any snow or ice from such public sidewalk or otherwise make it safe for public travel.

B. The expenses of such removal or other necessary action shall be a lien upon the premises concerned, provided that the town shall cause a certificate of lien to be recorded in the office of the Town Clerk within sixty (60) days from such removal or other necessary action.

~ 172-6. Adoption of statutory provisions; liability.

The town hereby adopts the provisions of Section 7-163a of the Connecticut General Statutes and hereby declares that the town shall not be liable to any person injured in person or property as a result of the presence of ice or snow on a public sidewalk unless the town is the owner or in possession and control of the land abutting such public sidewalk, other than land used as a highway, street, right-of-way or similar public thoroughfare.