

Chapter 216. STREETS AND SIDEWALKS

Article V. Sidewalk Construction and Maintenance

§ 216-42. Snow and ice removal.

A. Snow and ice removal.

[Amended 3-12-1997]

- (1) The owner, tenant, occupant or any person having the care of any land or building adjoining any sidewalk or gutter shall, after the cessation of any storm of snow, ice or sleet, if in the daytime, within eight hours, and if in the night, before 11:00 a.m. in the forenoon succeeding, cause the same to be removed from so much of such sidewalk as shall be paved, concreted, cemented or worked. If the same cannot be wholly removed as required by this section, the owner, tenant, occupant or person having the care of such land shall sprinkle and keep thereon sand or other proper substance so that such sidewalk shall be and remain safe for travel, until such time as said snow, ice or sleet can be thoroughly removed therefrom when it shall be the duty of the owner, tenant, occupant or persons having the care of such land to forthwith remove the same.
- (2) After the expiration of the time limited as aforesaid for removing such snow, ice or sleet, the Selectmen shall cause the same to be removed and the expense thereof shall be a lien upon the premises adjoining such sidewalk. The Selectmen shall cause a certificate of lien to be recorded in the Town Clerk's office within 60 days from the completion of such removal.

B. No property owner shall permit snow or ice, removed from his property, to be placed on any public highway of the Town of Branford in such manner or to such an extent as to unreasonably impede or cause inconvenience to travel on the public highways in the Town of Branford.

[Amended 3-12-1997]

C. Drainage of roofs and paved areas, yards and courts, sump pumps and footing drains and other open areas on any property owner's property shall not be discharged in a manner that creates a public nuisance. For purposes of this subsection, "public nuisance" means any discharge as set forth above that causes a health or safety hazard or unreasonably impedes or causes inconvenience to travel of public highways in the Town of Branford.

[Added 2-27-2007 *Editor's Note: This ordinance also redesignated former Subsections C and D as Subsections D and E, respectively.*]

D. Every person or corporation who shall violate any provision of this section shall pay a penalty of \$25 for each such violation. Each day that such violation shall continue shall be considered a separate offense.

[Amended 5-14-1996]

E. The provisions of Public Act No. 81-340 are hereby adopted and are set forth in Subsection **E(1), (2)** and **(3)** below:

- (1) Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other general statutes, or any other general statute or special act, the Town of Branford 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 Branford is the owner or the person in possession and control of land abutting

such sidewalk, other than land used as a highway or street, provided that the Town of Branford shall be liable for its affirmative acts with respect to such sidewalk.

- (2) 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 and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
- (3) 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.