

ARTICLE IV. SNOW AND ICE REMOVAL

Sec. 86-106. State law regarding municipal liability for ice and snow removal on public sidewalks adopted.

Sec. 86-107. Placing snow or ice on or against hydrants, sidewalks, streets or public transportation loading or unloading areas prohibited; penalty; removal; penalty.

Secs. 86-108—86-140. Reserved.

Sec. 86-106. State law regarding municipal liability for ice and snow removal on public sidewalks adopted.

- (a) The provisions of G.S. § 7-163a are hereby adopted, and are set forth in subsections (b) and (c) of this section.
- (b) Notwithstanding the provisions of G.S. § 13a-149 or any other general statute or special act, the town 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 person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the town 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 or the sidewalk abutting his property as the municipality had prior to the effective date of this section, April 4, 1989, adopted pursuant to the provisions of G.S. § 7-163a and shall be liable to persons injured in person or property where a breach of such duty is the proximate cause of the injury. No action to recover damages for injuries 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 years from the date when the injury is first sustained.

(Ord. No. 164, §§ 1—3, 3-6-89)

Sec. 86-107. Placing snow or ice on or against hydrants, sidewalks, streets or public transportation loading or unloading areas prohibited; penalty; removal; penalty.

Pursuant to G.S. § 7-148(c)(6)(C)(v):

- (1) No person, partnership, corporation or other business entity shall deposit, or cause to be deposited, any snow or ice on or against a fire hydrant or any sidewalk, roadway or loading and unloading areas of a public transportation system.
- (2) When any person, partnership, corporation or other business entity shall so deposit such snow or ice, the town may remove such snow or ice and will have a lien on the property involved for the cost of such removal.
- (3) A violation of this section shall carry a fine not to exceed \$25.00.

(Ord. No. 141, §§ 1—3, 10-1-84)

Secs. 86-108—86-140. Reserved.