

Sec. 18-36. Maintenance of Tree Belt.

**CHAPTER 18. Streets and Sidewalks**

Sec. 18-38. Removal of Snow, Ice, Sleet, Debris and Obstructions From Sidewalks.

Every person owning land within the Town upon or adjacent to which is a sidewalk, whether constructed by him or not, shall at all times keep the sidewalk in safe condition for the use of the public and shall have repaired all defects which may occur in the sidewalk and at all times remove therefrom all obstructions or any substance, and all litter of leaves, grass, gravel, dirt or other things which would in any way impede or imperil public travel upon sidewalk or to render it unsafe.

**Sec. 18-36. Maintenance of Tree Belt.**

(a) The abutting owner shall maintain the ground surface of the tree belt, if any, between the sidewalk and the curb in a neat and graded manner, free and clear of all bushes and trees, unless planted by the Town, standing grass, and litter of every sort and free of holes and defects which would constitute a danger to pedestrians.

(b) As used in this Section, abutting owner shall mean the owner of land whose property line abuts any street right of way, regardless of the distance between any paved street or sidewalk and the owner's property line.

**Sec. 18-37. Maintenance of Sidewalks Abutting Town Property.**

It shall be the duty of the Director of Public Works to repair all sidewalks located in streets and abutting property belonging to the town or under the control of any department or agency of the Town, together with curbs abutting Town streets, except driveways not owned by the Town.

**Sec. 18-38. Removal of Snow, Ice, Sleet, Debris and Obstructions From Sidewalks.**

(a) The owner, agent of the owner or occupant of premises bordering on any street or public place within the town where there is an established sidewalk shall cause to be removed therefrom any and all snow, ice, sleet, debris or any other obstruction. Snow and sleet shall be removed within eight (8) hours after the same shall have fallen or formed upon the sidewalk if the fall or formation of snow and sleet has occurred during daylight hours. If the fall or formation of such snow and sleet occurs between sunset and sunrise, same shall be removed from the sidewalk within eight (8) hours after sunrise. Obstructions other than snow, ice and sleet shall be removed immediately after they have appeared on a sidewalk.

(b) Any formation of ice upon a sidewalk shall be removed immediately, except that, when weather conditions are such as to make the removal of ice from a sidewalk impracticable, the sidewalk shall be made safe and convenient for travel by covering the ice with sand, salt, sifted ashes or some other suitable substance that will provide adequate traction.

(c) Every owner, agent or occupant to have violated any provision of subsections (a) or (b) above shall be issued a written warning by the Town's Director of Inspections and Permits or his designees directing such owner, agent or occupant to cure such violation within three (3) hours after the issuance of the warning. If such violation is not corrected within the time set out in the warning, the owner, agent or occupant will be issued an infraction ticket by the Sidewalk Inspector which will subject such owner, agent

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or occupant to a fine of fifty (\$50.00) dollars for the first violation. Failure by the owner, agent or occupant to cure the violation after issuance of the infraction ticket will result in the issuance of an additional infraction ticket by the Director of Inspections and Permits for each day the violation remains unabated, each of which will subject the owner, agent or occupant to a fine of ninety (\$90.00) dollars.

(d) The Town may, at any time after the issuance of the first infraction ticket to an owner, agent or occupant, cure such owner, agent or occupant's continuing violation by causing the removal of the snow, ice, sleet, debris or obstruction which caused the issuance of the citation and recover its costs from the offending owner, agent or occupant, plus legal interest thereon, as provided in Connecticut General Statutes Section 7-148(c)(6)(C)(v), by filing a lien against the property owned, managed or occupied by the offending owner, agent or occupant.

(e) Liability for Snow and Ice on Public Sidewalks

- (1) The provisions of Connecticut General Statutes, Section 7-163a, are hereby adopted and are set forth in subsections (2) and (3) hereof.
- (2) Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general statute or special act, the Town of East Hartford shall not be liable to any person injured in person or property caused by the presence of snow, ice, sleet, debris or other obstruction on a public sidewalk unless the Town of East Hartford is the owner or person in possession and control of land used as a highway or street, provided that the Town of East Hartford shall be liable for its affirmative acts with respect to such sidewalk.
- (3) Responsibility of owners and abutters.
  - (a) 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 snow, ice, sleet, debris or other obstruction on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this chapter and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
  - (b) No action to recover damages for injury to the person or to property caused by the presence of snow, ice, sleet, debris or other obstruction 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.

Sec. 18-38 (a-e)  
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