

## AMENDMENT TO CHAPTER 198 OF THE CODE OF THE TOWN OF WALLINGFORD

Articles II and III of Chapter 198 are hereby repealed and the following new and/or amended Articles II and III are hereby adopted.

### ARTICLE II New Sidewalks

#### **§198-10. Construction of new sidewalks.**

- A. No new public sidewalk shall be built without obtaining the approval of the Mayor, except where Planning and Zoning Commission regulations provide otherwise. Before a new sidewalk is approved, the Mayor shall hold a public hearing at which all interested parties may be heard. Notice, in writing, to owners of abutting properties shall be mailed at least 10 days before said hearing. Newspaper notice shall be published in a newspaper circulating in Wallingford at least ten (10) days before said hearing.
- B. (1) If in his opinion, the safety of the school children of Wallingford so require, the Mayor may order the construction, at the Town's expense, of new sidewalks within one mile actual walking distance from the principal entrance or walkway of any elementary school building, and/or an extension of an existing sidewalk in order to provide for the safety of school children walking to a school bus stop serving the public school system.
- (2) No public hearing shall be required for the construction of school safety sidewalks at the expense of the Town as herein provided.
- C. The action of the Mayor shall comply with §8-24 of the Connecticut General Statutes, as amended.

### ARTICLE III Snow, Ice and Obstruction Removal

#### **§198-11. Snow and Ice Removal**

- A. The owner or occupant of any property adjoining any public sidewalk in the Town shall cause to be removed therefrom any snow, sleet and/or ice within eighteen (18) hours after the cessation of any fall of snow or accumulation of sleet/ice thereon or within 18 hours after sunrise when the same has fallen in the nighttime. If the snow, sleet or ice cannot be entirely removed, the owner or occupant shall remove so much thereof as is reasonably possible and shall cover the sidewalk with sand or other suitable substance thereby making the sidewalk safe for public travel.

The removal and/or sanding shall be sufficient to clear a safe path at least three feet in width along the entire length of the sidewalk.

- B. In the event of a severe storm, as determined by the Mayor, the time in which to remove the snow, sleet and/or ice without penalty may be extended through a public announcement.
- C. If the owner or occupant violates Sections A and/or B, a written notice of violation shall be issued indicating that, if the sidewalk is not properly cleared or made safe within twelve (12) hours of the notice, a citation shall be issued fining the owner or occupant in accordance with this Ordinance.
- D. If, after notice, the owner or occupant has not complied, a citation shall be issued fining the person the sum of Twenty-Five Dollars (\$25.00) for each offense. Each and every day of violation of this Ordinance shall be deemed a separate offense.
- E. Each such person or entity who is fined under Subsection D or G shall, within the ten (10) days of the date when such citation is issued, pay to the Town as a penalty for and in full satisfaction of such violation(s), the total fine due as indicated on the notice, unless an appeal is filed at the Police Department within the ten-day period, in which case the fine is held in abeyance pending the appeal.
- F. In addition to issuing a citation, the Town may cause the snow, sleet and/or ice to be removed or the sidewalk to be made safe and if the costs of same are not paid by the owner or occupant within thirty (30) days of billing, a lien shall be placed on the property.
- G. No owner, occupant or their agent shall place or cause to be placed any snow, sleet and/or ice that obstructs, may obstruct or otherwise interfere with safe passage upon, or otherwise interfere with the regular and proper maintenance or drainage of any public street, sidewalk or other public property in the Town.

If the Town determines that immediate removal of the snow, sleet and/or ice from the public street, sidewalk or public property is necessary, the Town shall remove it and bill the owner or occupant for the cost of the removal. If the cost of same is not paid by the owner or occupant, within thirty (30) days of billing, a lien shall be placed on the property.

In addition to billing for the removal, the owner or occupant shall be issued a warning that, if they deposit snow, sleet and/or ice on any public street, sidewalk or public property in the future, they shall be issued a citation fining them as follows:

- (1) First offense after the warning: \$100.00
- (2) Second and further offenses after the warning: \$250.00

These fines are in addition to paying the costs of removal by the Town.

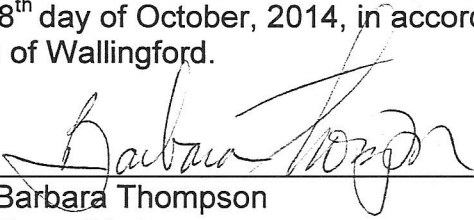
- H. The Police Department is authorized to issue notices and citations. The Mayor may authorize additional Town employees the authority to issue notices and/or citations. Further, the Mayor shall appoint a hearing officer(s) as provided in General Statutes §7-152c. The hearing officer(s) shall conduct hearings on any appeal pursuant to General Statutes §7-152c.
- I. The provisions of §7-163a, as amended, of the Connecticut General Statutes are hereby adopted, and are set forth herein:
- (1) Notwithstanding the provisions of §13a-149 of the Connecticut General Statutes or any other General Statute or Special Act, the Town of Wallingford 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 the land abutting such sidewalk, other than land used as highway or street, provided that the Town of Wallingford 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 toward the portion of the sidewalk abutting his property as the Town had prior to the effective date of this section adopted, pursuant to the provisions of §7-163a of the Connecticut General Statutes, 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 shall be brought but within two years from the date when the injury is first sustained.

**§198-12. Removal of obstructions, tree limbs, shrubs and other plants; violations and penalties; appeal.**

- A. The owner or occupant of any property adjoining any public sidewalk within the Town limits shall not place any object on the sidewalk which shall, in whole or in part, obstruct or render unsafe or inconvenient the sidewalk for the public travel.
- B. Any owner or occupant who shall neglect to remove said objects from the sidewalk within 24 hours after receiving notice shall be issued a citation for such neglect.
- C. The owner or occupant of any property adjacent to any public sidewalk, public street or public right-of-way within the Town limits shall remove any branch or limb of any tree or shrub or other plant growing on their property that:

- (1) Overhangs such sidewalk, street or right of way closer than nine (9) feet vertically from its surface; or
  - (2) Encroaches on to any area of such sidewalk, street or right of way ; or
  - (3) Otherwise interferes with safe pedestrian or vehicle travel.
- D. Any owner or occupant who shall neglect to remove any such branches, limbs of any trees or shrubs or other plant growths within ten (10) days after receiving notice of the violation shall be issued a citation.
  - E. The Town Engineer or his designee shall have the power to enforce this ordinance.
  - F. Any person cited for a violation of this section shall be fined \$50.00 for each day after notice that the owner or occupant has failed to comply with this ordinance.
  - G. Any person cited for a violation of this section may appeal the citation within ten (10) days of the date of the citation at the Town Clerk's Office.
  - H. The Mayor shall appoint a Citation Hearing Officer to hear appeals and the hearing procedure shall be as set forth in §7-152c(b) of the General Statutes.
  - I. If the Town removes the obstruction, branch, limb or shrub or other planting, the owner or occupant shall be responsible for the cost and, if not paid within thirty (30) days from billing, a lien shall be placed on the property.

I HEREBY CERTIFY that this Amendment to the Code was enacted by the Town Council of the Town of Wallingford this 28<sup>th</sup> day of October, 2014, in accordance with the provisions of the Charter of the Town of Wallingford.

  
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 Barbara Thompson  
 Town Clerk

APPROVED: William W. Dickinson, Jr.  
 William W. Dickinson, Jr., Mayor

DATE: 10/30/14

Published: 11/5/14  
 Effective: 11/25/14