AD HOC REPORT
Removal of Private Debris

Honorable Mark D. Boughton, Mayor
Common Council Members

October 20, 2008

Chairman Arconti called the meeting to order at 6:04 P.M. In attendance were committee members Councilwoman McMahon and Councilman Visconti. Councilman Cavo and Councilman Seabury, ex-officio; Laszlo Pinter, Deputy Corporation Counsel; Antonio Iadarola, P.E., Director of Public Works and members of the public were also in attendance. Councilman Esposito, ex-officio, entered the meeting at 6:30PM.

Chairman Arconti stated that the call of the meeting was review and discuss the proposed amendments to Code Section 17-7 by the addition of subsections (g) and (h).

Atty. Pinter gave an overview of the request of the Director of Public Works to amend the current ordinance to provide language prohibiting the sweeping, shoveling and pushing of snow, ice and other debris into the public right of ways.

Director Iadarola advised that there is an ongoing safety issue, especially with condominium complexes, shopping centers and some commercial plowing crews. The Sidewalk Inspector was charged with the duty to research the manner in which other communities deal with this issue. It was determined that there are ordinances in place containing language to authorize issuance citations for infractions. Director Iadarola would like to have subsections (g) and (h) in place before the winter plowing season commences. Police officers, the Director of Public Works or his designee should have authorization to issue warnings and citations.

Councilwoman McMahon made inquiries regarding circumstances which could lead to citing the snow plow driver or property owner. Any circumstance causing a public safety issue or impediments to snow plowing operations would be considered grounds for the issuance of a warning or citation.

Discussion and debate followed.

Councilman Visconti spoke in opposition of the amendment stating that the responsibility for the contractor is going to be born by the property owner. He would like to see language to protect the homeowner. Elderly property owners may not be able to afford to pay the fines incurred. He stated that, at times, a property owner will clean the sidewalks and the plow will come through and bury the sidewalk.

Councilman Seabury made inquiries regarding notification and that the property owner may not be aware of the situation, therefore, the plow driver should be held responsible. He reminded the committee that leaves and other lawn debris is also blown into the City's right of ways.

Councilman Arconti advised that a police officer would have the ability to conduct an investigation and may be able to identify the plow truck driver in those instances where there is no name displayed on the truck.

Councilman Cavo stated that the property owner contracts with the snow plow driver and the intent is to take the responsibility away from the police department and place it on the property owner. Amendments can be made to the contracts with the businesses doing the plowing to place the responsibility on the plowing company.

Director Iadarola stated that corrective action should be placed on the property owners and that some specific areas are problematic every year. The snow shelf and its purpose were explained. Director Iadarola explained that the priority is to open the travel ways.

Atty. Pinter stated that publication in the newspaper would serve as public notice and leaves and lawn debris falls into the categories covered by the proposed amendments. He also stated that the intent of the amendments is to tie the property owner into the issue and that the Director of Public Works or his designee is currently authorized to issue warnings and citations. He suggested some minor clarifications to (g) and (h).

Councilwoman McMahon moved to recommend to the Common Council Section 17-7 of the Code of Ordinances of Danbury be amended by adding two subsections designated as subsections (g) and (h) to Section 17-7 Removal of snow, ice, sand and debris from sidewalks and private property; deposited on public property:

(g) No person shall place or cause to be placed any snow, ice, sand or debris upon any street, road, public highway, sidewalk or other public property in the City

(h) Any Danbury Police Officer or the Director of Public Works or his designee, shall be authorized to issue citations providing for penalties of Ninety Dollars ($90.00) per violation of this section. Seconded by Councilman Visconti. **Motion passed by unanimous vote.**

Councilman Visconti moved to adjourn at 6:45P.M. Seconded by Councilwoman McMahon. **Motion passed by unanimous vote.**

Respectfully submitted,

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Robert Arconti, Chairman

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Louise McMahon

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Fred Visconti

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ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT Section 17-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of two subsections, designated as subsections (g) and (h), which said subsections read as follows:

Sec. 17-7. Removal of snow, ice, sand and debris from sidewalks and private property; deposit onto public property.

(a) Every person owning or occupying any land fronting upon any sidewalk within the city shall, within four (4) hours of daylight immediately following the cessation of any fall of snow, or accumulation of ice thereon, cause the same to be removed, so that travel upon said sidewalk shall not be obstructed, dangerous or inconvenient, and upon failure so to do within the time limit, shall be punished as provided in Section 1-7. After the expiration of the time limit as aforesaid, if such snow and ice shall not have been removed, the superintendent of highways or his designee shall cause the same to be removed at the expense of such owner or occupier, such expense to be recovered from either the owner or occupier in an action brought in the name of the city.

(b) Every person, firm, corporation, association or partnership owning any land fronting on any sidewalk within the City of Danbury shall be responsible for the maintenance and repair of said sidewalk. The superintendent of highways or his designee may issue an order to any such owner requiring him to repair any sidewalk abutting his property within such period of time as is specified in said order. If the owner of any such property fails to comply with a proper order of the superintendent of highways or his designee, the superintendent of highways shall cause repairs as specified to be made at the expense of such owner, such expense may be recovered from the owner of said abutting property in an action brought in the name of the City of Danbury.

(c) All lawful expenses incurred by the City of Danbury by virtue of subsection 17-7(a) or 17-7(b) shall accrue interest at a rate of twelve (12) per cent per annum and shall be a lien upon the premises adjoining such walk provided that the superintendent of highways shall cause a certificate of lien to be recorded in the town clerk's office within sixty (60) days of the completion of any necessary repair or removal authorized herein.

(d) Pursuant to the provisions of Public Act 81-340 and notwithstanding the provisions of Section 13a-149 of the General Statutes or any other General Statute or Special Act, the City of Danbury 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 City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed bylaw resulting from its affirmative acts with respect to such sidewalk.

(e) 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 City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.

(f) 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 the 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.

(g) No person shall place or cause to be placed any snow, ice, sand or debris upon any street, road, public highway, sidewalk or other public property in the City.

(h) Any Danbury Police Officer or the Director of Public Works or his designee, shall be authorized to issue citations providing for penalties of Ninety Dollars ($90.00) per violation for

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COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Section 17-7 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of two subsections, designated as subsections (g) and (h), which said subsections read as follows:

Sec. 17-7. Removal of snow, ice, SAND AND DEBRIS from sidewalks AND PRIVATE PROPERTY; DEPOSIT ONTO PUBLIC PROPERTY.

(G) NO PERSON SHALL PLACE OR CAUSE TO BE PLACED ANY SNOW, ICE, SAND OR DEBRIS UPON ANY STREET, ROAD, PUBLIC HIGHWAY, SIDEWALK OR OTHER PUBLIC PROPERTY IN THE CITY.

(H) ANY DANBURY POLICE OFFICER OR THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE SHALL BE AUTHORIZED TO ISSUE CITATIONS PROVIDING FOR PENALTIES OF NINETY DOLLARS ($90.00) PER VIOLATION FOR VIOLATIONS OF THIS SECTION.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~