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RESOLUTION THAT THE MAYOR AND COUNCIL FINALLY APPROVE “AN ORDINANCE TO AMEND, REENACT AND CODIFY THE CITY OF GROTON ORDINANCES #22, #35 AND #70” (INITIALLY APPROVED: DECEMBER 21, 2015 FINALLY APPROVED: JANUARY 19, 2016)

The Groton City Council hereby finds that the unabated accumulation of snow and ice within the public right-of-way threatens the public health, safety and welfare of the City of Groton (the “City”) and constitutes a public nuisance unless abated in accordance with the requirements of this ordinance.

I. Parking Restrictions During Snow Emergencies

1. Purpose.

It is hereby declared to be in the public interest for the City to regulate and restrict parking of vehicles on public highways within the limits of the City during a snow emergency in order not to impede the transportation and movement of food, fuel, medical care, fire and police protection and other vital functions of the City and in order to facilitate the proper removal of snow and ice accumulations from all public highways and to provide for the free and safe movement of vehicular and pedestrian traffic during and after periods of exceptional snowfall and ice accumulation.

2. Definitions.

Whenever in this ordinance the following terms are used, they shall have the meaning ascribed to them respectively in this section:

- a. The word “vehicle” shall mean any device used for conveyance, drawing or other transportation of any person or property, whether on wheels or runners or otherwise, when on a public highway;
- b. The word “park” or “parking” shall mean the stopping of a vehicle, whether occupied or not, whether operable or not, upon a public highway other than (i) when standing temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers, or loading or unloading property or merchandise or (ii) when stopped because of any traffic regulation, traffic sign or signal;
- c. The phrase “public highway” shall mean any public street, public road or public highway in the City of Groton.
- d. The phrase “snow emergency” shall mean a situation wherein the Mayor, the Deputy Mayor or the Chief of Police has declared an emergency due to an expected or actual accumulation of snow, sleet or ice such that effective and efficient removal, sanding and salting of streets are necessary to ensure public safety.
- e. The word “standing” shall mean leaving a vehicle, whether occupied or not occupied, in a stationary position within the limits of a public highway.

3. Declaration of Snow Emergency

- a. Whenever the Mayor, the Deputy Mayor or the Chief of Police finds, on the basis of falling snow, sleet, freezing rain or other climatic condition or on the basis of a forecast by the United States Weather Bureau or other weather service of snow, sleet, freezing rain or other climatic condition, that existing or imminent weather conditions require that parking or standing on public highways within the City of Groton be prohibited or restricted to allow for snowplowing and other purposes, the Mayor, Deputy Mayor or Chief of Police may declare a snow emergency in the manner prescribed in this ordinance.
- b. In the event of a snow emergency declaration, a citywide parking ban shall automatically be in effect and no person shall park or stand a vehicle on any public highway for the duration of the snow emergency.
- c. Once a snow emergency has been declared, unless sooner terminated, it shall remain in effect until 48 hours after cessation of the storm or other climatic condition which caused the snow emergency declaration in order to allow for the removal of snow and ice accumulations from the public highway. The Mayor, Deputy Mayor or Chief of Police may sooner terminate a snow emergency with respect to some or all of the public highways in the City.
- d. Failure to remove a vehicle from the public highway during a snow emergency shall constitute a public nuisance and the registered owner of such vehicle shall be subject to a fine.
- e. Declaration of a snow emergency shall be made, whenever practicable, at least three hours in advance of the time that said snow emergency becomes effective. Notice of said declaration shall be posted on the City's website and may be given by publication in a newspaper or by broadcast through local radio stations. Notice of any termination of a snow emergency earlier than 48 hours after cessation of the storm or other climatic event which caused said snow emergency shall be given in the same manner as the declaration.
- f. The Mayor shall make or cause to be made a record of each time and date when any snow emergency is declared pursuant to this ordinance.
- g. The City may tow and impound, or caused to be towed and impounded, any vehicle parked or standing in a public highway during a snow emergency without prior notice to the owner, with the cost of such towing and impoundment to be paid by the owner.

II. Clearing Sidewalk and Curb Cuts

Whenever a public sidewalk shall be wholly or partially covered by snow or ice, it shall be the duty of the owner or person in possession and control of land abutting a public sidewalk to cause such sidewalk, including any adjacent curb cut, to be made safe and convenient for pedestrian travel by removing the accumulations of snow or ice therefrom, a minimum of 36

inches wide, within the first 24 hours immediately following the cessation of the storm or other climactic event which caused the accumulation of such snow or ice thereon; and, if such snow or ice cannot be wholly removed, by covering the same with sand or other suitable material as often as may be necessary to keep such sidewalk and curb cut safe and convenient for use by the public. In case of the failure or neglect of the owner or person in possession and control of land abutting the public sidewalk to comply with this section of the ordinance, the City may do or cause the same to be done, at the cost thereof to be paid by the owner or person failing or neglecting his duty hereunder. Anyone who fails or neglects to comply with this section of the ordinance shall also be subject to a fine.

III. Depositing Snow onto Public Highway or Public Sidewalk

- a. No person shall plow, shovel, blow or otherwise deposit, or cause to be plowed, shoveled, blown or deposited, any snow or ice from any private property onto any public highway or public sidewalk.
- b. Anyone found to have violated this section of the ordinance shall be subject to a fine; and in addition, the City may also recover from such person the reasonable cost of removing any snow or ice which was deposited onto any public highway or public sidewalk in violation of section of the ordinance.

IV. Liability of the Property Owner

The City of Groton hereby adopts the provisions of *Section 7-163a* of the *Connecticut General Statutes* entitled **Municipal liability for ice and snow on public sidewalks** as set forth below.

- a. Notwithstanding the provisions of section 13a-149 of the Connecticut General Statutes or any other general statute or special act of the State of Connecticut, the City 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 either owns or is in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided the City shall be liable for its affirmative acts with respect to such sidewalk.
- b. (1) 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 municipality had prior to the effective date of any ordinance adopted pursuant to the provisions of Connecticut General Statutes Section 7-163a and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

(2) 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.

V. Fine Schedule

The fine for a violation of any portion of this ordinance is \$100.00 per violation. Each day a violation continues unabated shall be considered a separate violation. The amount of this fine may be amended from time to time by the City Council.

WHEREAS, this resolution shall take effect upon passage and will repeal Ordinances 22, 35 and 70;

WHEREAS, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on December 24, 2015 and December 26, 2015;

THEREFORE, BE IT RESOLVED that the Mayor and Council finally approve “An Ordinance to amend, reenact and codify the City of Groton Ordinances #22, #35 and #70”.