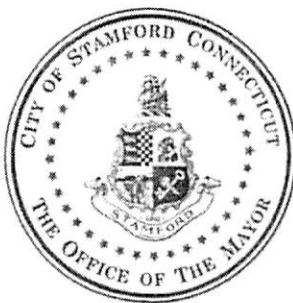


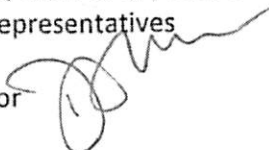
DAVID R. MARTIN
MAYOR
CITY OF STAMFORD, CONNECTICUT



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Date: December 4, 2014

To: Randall M. Skigen, President, Board of Representatives
Annie M. Summerville, Clerk of the Board
Members, Board of Representatives

From: David R. Martin, Mayor 

Re: Proposed ordinance – Regarding Liability of the City of Stamford for Ice and Snow on Public Sidewalks

We were notified on November 25, 2014 of a recent court case decided by the CT Supreme Court that emphasized that in order to shift liability from a municipality to an individual for an injury sustained for failure to remove snow on sidewalks, a town or city must explicitly adopt the provisions of C.G.C. 7-163a.

We immediately forwarded this information to the Law Department, and today, the Law Department has advised that an amendment to Chapter 214 is necessary in order to protect the City from potential liability. They have also prepared a draft ordinance (see attached).

Because of the timing of the notice of this court ruling and because we are coming up on the winter season, I respectfully request the Steering Committee suspend its rules and consider placing this on the Board's Agenda for the December meeting.

Thank you for your attention to this matter.

/val

Attachment



PROPOSED ORDINANCE NO. _____
REGARDING LIABILITY OF THE CITY OF STAMFORD FOR ICE AND SNOW ON
PUBLIC SIDEWALKS

WHEREAS, the City of Stamford currently bears legal liability to individuals who are injured by the presence of snow or ice on public sidewalks;

WHEREAS, Section 214-16 of the City of Stamford Code of Ordinances requires property owners who abut the public sidewalks to remove snow and ice from said sidewalks, but said ordinance does not shift legal liability to said property owners for injuries to a third party resulting from ice or snow;

WHEREAS, it has been determined that it is in the best interests of the City of Stamford to shift this liability to property owners who abut the public sidewalks;

WHEREAS, Connecticut State law authorizes municipalities to shift this liability to property owners who abut the public sidewalks by adopting the provisions of Connecticut General Statutes §7-163a through the passage of an ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

CHAPTER 214 (STREETS AND SIDEWALKS) OF THE CITY OF STAMFORD CODE OF ORDINANCES SHALL BE APPENDED AS FOLLOWS:

Sec. 214-17. Municipal Liability for ice and snow on public sidewalks.

(a) The provisions of Connecticut General Statutes §7-163a, as amended from time to time, are hereby adopted and are set forth in Subsections B, C and D of this section.

(b) Notwithstanding the provisions of §13a-149 of the General Statutes or any other general statute or special act, the City of Stamford 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 is the owner or person 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.

(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 of the sidewalk abutting his property as the municipality had prior to the effective date of the ordinance codified in this section adopted pursuant to the provisions of Connecticut General Statutes §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.

(d) 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.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon approval.

Randall M. Skigen, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing ordinance was _____ by a machine vote of _____ by the 29th Board of Representatives at the Meeting held on _____.

David R. Martin, Mayor, City of Stamford
Dated this ____ day of _____, 2014

EFFECTIVE DATE: _____, 2014

cc: Mayor David R. Martin
Ernie Orgera, Director of Operations
Michael Handler, Director of Administration
Kathryn Emmett, Esq., Law Department
Ted Jankowski, Director of Public Safety, Health & Welfare
Donna Loglisci, Town Clerk