

DATE: December 8, 2014

TO: Randall Skigen, President, Board of Representatives

FROM: Kathryn Emmett, Director of Legal Affairs

RE: Proposed Ordinance Regarding Liability for Snow and Ice on Sidewalks

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The Connecticut Supreme Court, in a very recent decision, *Robinson v. Cianfarani* (decision released November 25, 2014), has held that municipalities bear legal liability for injuries sustained as a result of snow or ice on public sidewalks unless municipalities adopt an ordinance such as the one we are proposing. In *Robinson*, the Court the noted that the Town of Enfield had in its Code an ordinance imposing a penalty on abutters who fail to clear sidewalks (Stamford also has such an ordinance, at Section 214-16). The Court was clear that such an ordinance is insufficient to shift liability for injuries to the abutters. The Court held that in order to shift liability to abutters, it is necessary to pass an ordinance which expressly adopts the provisions of Section 7-163a of the general statutes. This statute permits a municipality to shift liability away from the municipality and to the abutters through an ordinance which adopts the provisions of the statute in clear, explicit language.

With the winter season upon us, the administration hopes that this proposed ordinance can be considered by the Board as soon as practicable.