

Town of New Milford, CT  
Wednesday, September 2, 2015

## Chapter 18. Streets and Sidewalks

### CROSS REFERENCES

- Charter, Section 405
- Rules of construction and definitions generally, § 1-2
- Planning, Ch. 16
- Traffic, Ch. 20
- Subdivision regulations, **Appendix A**
- Zoning regulations, Appendix B

### STATE LAW REFERENCES

- Powers of town regarding streets and sidewalks, General Statutes Section 7-148
- Municipal liability for snow and ice on sidewalks, Section 7-163a
- Highways and bridges, Section 13a-1 et seq.
- Acceptance of roads from state, General Statutes Section 13a-48
- Snow emergencies, Sections 14-150 and 7-148(b), (c)(6) and (7)B and (10)

[018a Appendix A](#)

[018b Table 1](#)

[018c Images](#)

## ARTICLE I. Snow Emergencies

### § 18-1. Definitions.

[Ord. of 11-21-2006]

As used in this article the following terms shall have the meanings indicated:

**Owner**

means the owner, registrant or lessee in of a motor vehicle as defined in Connecticut General Statutes Section 14-1(51).

**Snow emergency**

means any snowfall or ice event that is expected, is in progress or has occurred that will require road plowing, sanding, salting and/or snow and ice

[Ord. of 11-21-2006]

The owner of any motor vehicle parked on a snow emergency route during a declared snow emergency shall be in violation of this article. A police officer discovering such vehicle may issue a notice of violation in accordance with the provisions and procedures set forth in Code of New Milford Chapter 20. The owner of the vehicle shall be fined \$100 for each violation. Additionally, if a police officer determines that a motor vehicle parked in violation of this article is an obstruction to traffic, hindrance to road treatment or a threat to public health and safety, the officer may order such motor vehicle taken to and stored at a suitable place at the expense of the owner pursuant to the provisions of Code of New Milford § 20-6 and Connecticut General Statutes Section 14-150.

### **§ 18-7. Payment of fines and expenses of removal and storage; hearing.**

[Ord. of 11-21-2006]

An owner to whom a notice of violation has been issued shall pay the fine or request a hearing to contest the claimed violation within 10 days of the issuance of the notice. Removed and stored vehicles shall be disposed of and expenses satisfied in accordance with Connecticut General Statutes Section 14-150. In the event a vehicle owner wishes to contest a notice of violation and/or removal authority, a hearing and disposition following hearing, including collection of fines and vehicle removal and storage expenses shall be provided for and conducted in accordance with Code of New Milford Section 20-5 and Connecticut General Statutes Section 14-150.

### **§ 18-8. Appeal.**

[Ord. of 11-21-2006]

Any owner aggrieved by a decision of a hearing officer appointed to hear and dispose of a contested notice of violation may appeal such decision to the Superior Court for the Judicial district of Litchfield within 30 days of the issuance of the hearing officer's decision.

### **§ 18-9. through § 18-22. (Reserved)**

## **ARTICLE II. Road Acceptance Requirements**

### **§ 18-23. Definitions.**

[Ord. of 6-15-1978, § 1]

As used in this article, the following terms shall have the meanings indicated:

**Arterial road**

shall mean any road which moves a large volume of vehicles from one part of town to another.

**Base course**

shall mean that material placed directly below the wearing surface.

shall mean the limits of that portion dedicated for highway purposes.

#### **Subbase**

shall mean that course of material placed directly above the prepared subgrade as specified.

#### **Subgrade**

shall mean existing ground surface prepared as specified and brought to grade as indicated to receive a subbase course.

#### **Surety**

shall mean that corporate body which is bound with and for the subdivider or contractor, who is primarily liable to the Town of New Milford and which engages to be responsible for the subdivider or contractor for his payment of all debts covering all materials and labor used or employed in the execution of the contract or proposal and for his acceptable performance of the work for which he has contracted or proposed.

#### **Town**

shall mean the Town of New Milford, Litchfield County, Connecticut.

#### **Watercourse**

shall mean any channel for the drainage of water, such as a canal, river, brook, stream or swale.

#### **Watershed**

shall mean that portion of land surrounding a watercourse or paved road which sheds its ground and/or surface water into or onto the watercourse or paved road. Final decision as to the limits of any given watershed shall rest with the Selectman or his duly appointed agent.

#### **Wearing surface**

shall mean that visible section of the roadway which comes in direct contact with vehicular movement.

## **§ 18-24. General regulations.**

[Ord. of 6-15-1978, § 2]

- (a) **Applicability.** This article shall govern the construction of all roads, drainage structures, appurtenances and bridges, presented or designed to be presented for acceptance and maintenance by the Town of New Milford, and excavation, diversion of water runoff and other activities pertaining to town highways and streets. This article specifically exempts work done by the Town of New Milford.
- (b) **Repealer.** All ordinances or parts of ordinances conflicting with the provisions of this article, including the Road Ordinance of the Town of New Milford dated June 1, 1962, as amended, and the Ordinance Governing Certain Activities on Town Roads, Highways and Sidewalks, dated April 1, 1966, are hereby repealed.
- (c) **Standards.** The construction of roads, drainage structures, appurtenances and bridges shall be governed by standards contained in **Table I** following.<sup>[1]</sup>  
<sup>[1]</sup> *Editor's Note: Table I is included at the end of this chapter.*
- (d) **Applicable state standards.** Except where the terms of this article may alter them, the latest State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction or revision thereof shall apply and govern and are hereby made part of this



- e. Outlet ditches shall be designed so that the velocity of flow will not scour or erode the material. Where excessive velocity is expected riprap or other energy dissipators may be required.
- (i) *Plan-profile drawings.*<sup>[2]</sup>
- (1) Plan-profile drawings of all proposed roads shall be submitted on plan profile sheets 24 by 36 inches. Plan-profiles shall be at a scale of one inch equals 40 feet in plan, and one inch equals 40 feet horizontal and one inch equals four feet vertical in profile. Elevations shall refer to approximate United States Coast and Geodetic Survey datum. Drawings shall include the following:
    - a. Layout of proposed streets in both plan and profile indicating right-of-way dimensions as shown on the final subdivision plan, width of right-of-way and paving. Existing field elevations and proposed center line grade lines with stations every 50 feet, vertical curve data and percent of grade. North arrow and monumented control points shall be shown with at least two permanent bench marks with elevations indicated.
    - b. Typical cross section of the streets with paving, shoulders, curbs and sidewalks in detail.
    - c. Plan-profile drawings shall also show all utility lines, encroachment lines and all easements for utilities, drainage and other rights-of-way, with location, size and inverts of existing and new culverts, and the entire drainage system.
    - d. If considered advisable by the Director of Public Works or the Planning Commission due to the terrain as determined from contours and the proposed profile showing original and final grades, cross sections of the proposed road shall be furnished indicating the relation of the proposed construction to the adjacent land by the holder of the road permit at intervals of every 50 feet, showing the original ground, top and toe of slopes, culverts or bridges. These sections shall extend at least 40 feet left and right of the center line.
    - e. Where required in the judgment of the Director of Public Works, street intersections shall be developed at a larger scale, showing catch basins, gutter, road center line, curb and sidewalk elevations.
  - (2) All of the above documents shall bear the appropriate seal as recommended by the Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.
  - (3) The above information shall be submitted for approval to the New Milford Planning Commission in accord with the New Milford Subdivision Regulations and Zoning Regulations.<sup>[3]</sup> It shall then be referred to the Director of Public Works by the Planning Commission.  
<sup>[3]</sup> *Editor's Note: See Appendix A and Appendix B of this volume.*
  - (4) Upon final approval of the above-listed submissions for any proposed roadway and auxiliary structures, seven copies of said documents will be required for filing by the town.  
<sup>[2]</sup> *Editor's Note: See also Appendix A at the end of this article.*
- (j) *Tributary drainage to a state system.* Where drainage is tributary to a portion of a Connecticut Department of Transportation drainage system, the holder of the road permit shall obtain the approval of the Connecticut Department of Transportation for such drainage and shall submit the approval to the Planning Commission with the other required documents.
- (k) *Easements.* Permanent easements, of a nature acceptable to the Town Counsel, shall be deeded to the town in all cases where drainage pipes or ditches cross or abut lands other than a street right-of-way. A minimum width of 20 feet shall be required and said easements shall be clearly defined on the final subdivision plan placed on file in the land records.

- (3) Twelve percent perennial rye grass.
  - (4) Nine percent Kentucky blue grass.
  - (5) Ten percent redtop.
  - (6) Two percent white Dutch clover.
- (d) *Gravel subbase for roads.* The subbase shall consist of at least 12 inches of bank-run gravel constructed in accord with state specifications. Where ledgerrock is encountered, it shall be excavated a minimum of 18 inches and backfilled with gravel subbase. The holder of the road permit may be required to have a qualified testing laboratory perform at least three tests or one every 250 feet, whichever is greater. Any deficient area shall be corrected and retested at the expense of the holder of the road permit.
- (e) *Base course for roads.* The base course shall be in accordance with the specifications herein.
- (f) *Wearing surface.* The wearing surface of all roads will be bituminous concrete pavement, constructed in two courses to the thicknesses indicated herein. A minimum thickness of pavement shall be three inches after compaction. A higher-type pavement may be constructed with the permission of the Director of Public Works. No pavement may be installed until approval is given by the Director of Public Works. Any area of a road or driveway found to be deficient in compacted thickness by more than 1/2 inch shall be corrected with a one-inch overlay, provided that an acceptable grade and cross section can be achieved. At the ends of the overlay, the original pavement shall be cut back sufficiently to allow placement of the overlay. Feathering shall not be allowed. The Director of Public Works must be notified a minimum of 48 hours prior to the installation of each course of bituminous concrete and approval received before installation.
- (g) *Drainage.* All drainage pipe shall be at least 15 inches in diameter except as noted below and installed with a minimum cover of three feet or, if less, as required by the gauge or class of pipe with the approval of the Director of Public Works. All installation and construction shall be to the line and grade indicated on submitted drawings. Underdrain pipe and outlets shall be of a size and location as determined by the Director of Public Works. Drainage pipe shall be laid along the greater cut or shallower fill side of the road. Curb-type catch basins, various types of endwalls, CL-type catch basins, manholes, wing-type endwalls and underdrain shall be constructed according to the dimensions, methods and materials shown in detail on Connecticut Department of Transportation Standard Sheets.
- (h) *Inspections; curbing.*
- (1) After drainage pipe is installed and prior to any backfilling, the subdivider and/or contractor shall notify the Department of Public Works. The Director of Public Works, or his representative, shall meet with the subdivider's and/or contractor's engineer to inspect the drainage. The Director of Public Works shall direct that any required changes be made and shall reinspect the drainage system prior to backfilling. The Director of Public Works shall notify the First Selectman and/or Planning Commission of his inspections.
  - (2) After the fine grading and prior to the application of the first course of bituminous concrete, the subdivider and/or contractor shall notify the Department of Public Works. The Director of Public Works, or his representative, shall meet with the subdivider's and/or contractor's engineer to inspect the roadway. The Director of Public Works shall direct that any required changes be made and shall reinspect the roadway prior to the application of the first course of bituminous concrete. The Director of Public Works shall notify the First Selectman and/or Planning Commission of his inspections.
  - (3) Curbing is required on all roads unless otherwise designated. At the time of this inspection those areas not requiring curbing shall be designated by the Director of Public Works. Curb must be installed prior to the second course of bituminous concrete.



[Ord. of 6-15-1978, § 4]

- (a) *Bank-run gravel.* All material shall conform to the latest Connecticut Department of Transportation Specifications.
- (b) *Monuments.* Monuments shall be set on both sides of all right-of-way lines of streets, all intersections, angle points and points of tangency. Monuments shall be at least 48 inches long and shall be at least four inches square. All monuments may be stone or reinforced concrete. The monuments shall not be set before the final wearing course has been completed, nor shall they be set while the frost is in the ground. They shall be set so that the top is five inches above the finished grade and clearly visible, and they shall be so set and tamped as to prevent shifting. The subdivider's surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the town.
- (c) *Street signs.* Street signs shall conform to the town's standard and shall be installed by the subdivider at his expense.

## § 18-27. Administration.

[Ord. of 6-15-1978, § 5; Ord. of 10-13-2006; Ord. of 12-8-2006]

- (a) *Guaranty bonds.*
  - (1) *Town highway or right-of-way.* All road construction or reconstruction and all excavation on or under a town highway or right-of-way shall be guaranteed by the posting of a performance guaranty bond running in favor of the town or by the presentation of a certified check payable to the town in an amount equal to 100% of the cost of the work. The cost of such work shall be estimated by a licensed professional engineer and reviewed by the Director of Public Works. For any road improvements performed under contract with the town, such performance guaranty bond or certified check shall be filed with the First Selectman.
  - (2) *Subdivisions.* All road construction, including drainage and other improvements, within a proposed subdivision shall be guaranteed by the posting of a performance guaranty bond in an amount equal to 100% of the cost of the work. Cost estimates shall be submitted to the Director of Public Works and to the Planning Commission for review and approval. The performance guaranty bond shall be filed with the Planning Commission prior to final subdivision approval.
  - (3) All performance guaranty bonds shall be written for a term not to exceed two years as shall be determined by either the First Selectman in the case of work performed on or under a town highway or right-of-way; or by the Planning Commission in the case of work performed within a subdivision. The First Selectman and/or Planning Commission may permit an extension of any performance guaranty bond to allow for the completion of the wearing surface of a road, provided that the surety consents and agrees to such extension. All performance guaranty bonds shall be approved by Town Counsel.
  - (4) After certification by the Director of Public Works that drainage has been installed or a section of the road has been completed and upon the request of the principal, performance guaranty bonds may be reduced with the approval of the First Selectman and/or Planning Commission as the case may be.
  - (5) In the case of road construction, reconstruction and/or excavation on or under a town highway or right-of-way, no performance guaranty bond shall be released until such work has been certified complete by a licensed professional engineer and the town highway or right-of-way has been restored to a condition satisfactory to the Director of Public Works.
  - (6) In the case of road construction, including drainage and other improvements, within a proposed subdivision, no performance guaranty bond shall

- value of the work accepted. The term of this bond shall be one year from the date of final acceptance.
- (2) During the required one-year maintenance period, the subdivider shall, when notified by the Director of Public Works or his agent, promptly, and at the subdivider's expense, repair all defects and/or failures in the construction and operation of roads, structures and appurtenances which may occur during said period. Should the subdivider fail to remedy such defects within a reasonable time, the town may, upon written notice to the subdivider and surety, cause the required repairs to be made and bill the subdivider or surety company for the cost of such repair work.
  - (3) No road bond shall be fully released until the road is accepted by the Town Council and the Planning Commission notified of such acceptance in accordance with the provisions of the Charter. Nothing herein shall impair the right of the Planning Commission to release portions of or reduce the bonds as construction is completed and recommended for acceptance by the Department of Public Works.
  - (g) *As-built drawings.* Upon completion of construction and prior to acceptance or release of performance guaranty, as-built drawings certified by a registered land surveyor shall be submitted for approval in accordance with the requirements of this article. Such drawings shall be in accord with Class A-2 (Connecticut Technical Council), shall be entitled "As-Built" and shall note any deviation from the original plans.
  - (h) *Warranty deeds.* Upon completion of construction and prior to acceptance or release of the performance guaranty bond, a warranty deed or deeds covering all roads and rights-of-way, drainage or other easements shall be granted to the Town of New Milford and delivered to the First Selectman, together with the as-built drawings. The grantor shall also furnish the town with a certificate of title for the land described in the warranty deed acceptable to Town Counsel and signed by a member of the Bar of the State of Connecticut. The standard title of the Connecticut Bar Association shall govern.
  - (i) *Approval and acceptance by the town.*
    - (1) No road shall be accepted by the Town Council unless it has been so inspected, the fees paid and final approval given first by the Department of Public Works and by the Planning Commission. The Department of Public Works shall notify the Planning Commission, Wetlands Officer, Mayor's office and Town Attorney of such final approval before the acceptance is considered by the Town Council.
    - (2) No road shall be accepted into the New Milford road system between November 1 and April 15 of the following year.
  - (j) *Penalties for violation.* In addition to all other legal and equitable remedies available to accomplish enforcement of this article, any person, firm, corporation or agent thereof, violating or assisting in the violation of any of the provisions hereof, shall be fined no more than \$100 for each offense. Each day of violation shall be deemed a separate offense.
  - (k) *Separability.* In the event that any part of this Road Ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such decision shall be limited to those provisions which are expressly stated in the opinion to be invalid or unenforceable and all other provisions of this article shall continue to be separately and fully effective.
  - (l) *Applicability.* This article shall apply to all roads which are submitted to the town for acceptance except those which have been approved by the Selectmen for construction or are now under construction in accordance with the Road Ordinance of the Town of New Milford, dated June 1, 1962, as amended; and to activities approved under the Ordinance Governing Certain Activities on Town Road, Highway and Sidewalks, dated April 1, 1966.

**§ 18-28. through § 18-38. (Reserved)**



[Ord. of 3-28-1969, §§ 6, 7]

- (a) In addition to any other penalty provided by law, if any owner or occupant fails to comply with the provisions of §§ **18-40** and **18-42**, the Highway Department and its employees may clear snow and ice from such sidewalks. The expense of such clearing shall be a lien upon the premises adjoining and abutting on such sidewalks and the Board of Selectmen may cause a certificate of lien therefor to be recorded in the Town Clerk's office within 60 days after such clearing as provided by the General Statutes.
- (b) The expense of clearing snow and ice by the Highway Department as provided in Subsection (a) of this section and the cost of the lien therefor may be entered in the next succeeding rate bill for taxes against the owner of the premises with the tax assessed upon such premises, and if the expense and the cost of the lien is paid with such taxes, the lien shall be discharged; if not so paid, the lien may be foreclosed in the manner hereinbefore provided.

### **§ 18-44. Penalty for failure to clear sidewalks.**

[Ord. of 3-28-1969, § 5]

Any person who violates or refuses or neglects to comply with the provisions of §§ **18-40** through **18-42** shall be punished by a fine not exceeding \$5 for each violation, and each day of failure to comply with such provisions shall constitute a separate offense.

### **§ 18-45. Maintenance of sidewalks by abutting owners required.**

[Ord. of 3-28-1969, § 9]

Any person owning or occupying any lands in the town in front of which is a sidewalk, either paved of concrete or cement or otherwise constructed to the approval of the proper authorities of the town, shall keep such sidewalk, at all times, in safe condition and repair for the use of the public and free from obstruction and defects.

### **§ 18-46. Repair of sidewalks by town; collection of costs.**

[Ord. of 3-28-1969, § 10]

- (a) If any sidewalk obstruction or defect or the need of repair exists, the Board of Selectmen shall notify the owner, agent or occupant of the abutting premises to remove such obstruction or defect or make such repairs and, if the same are not made within 30 days after such notice, the town may perform the same.
- (b) The expense of such repairs by the town shall be a lien upon such abutting property in favor of the town, which may be continued if a certificate thereof is filed with the Town Clerk within 60 days of the completion of such work, and the same may be collected by the town by any proper form of legal or equitable action.

### **§ 18-47. through § 18-54. (Reserved)**



benefitted by the improvements, and upon the owners of such land and buildings, according to such resolution as the Town Council adopts, subject to any right of appeal allowed by law and subject to any exemptions mandated by law.

### **§ 18-59. Determination of cost of improvements.**

[Ord. of 11-30-1998, § 2]

The Town Council shall ascertain the cost of the improvements and, in ascertaining the cost, shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, cost connected with financing the project, all engineering and legal expenses especially chargeable to the project and any other costs or expenses needed to complete the project or improvement.

### **§ 18-60. Criteria for determination of assessment.**

[Ord. of 11-30-1998, § 3]

Upon determining the amount to be collected pursuant to the assessment, which amount may be a fraction of, but shall not exceed 50% of the cost of the improvement as determined in § 18-59, the Town Council shall assess the benefits upon the properties the Town Council determines are benefitted by the improvement in proportion to the square footage/area of the improvements fronting or bounding the properties to be assessed. The Town Council may make reasonable allowances whenever, for any reason, the particular situation of any property requires an allowance.

### **§ 18-61. Use of Tax Assessor Maps for measurements.**

[Ord. of 11-30-1998, § 4]

For the purposes of any measurements required under these ordinances, the maps of the Tax Assessor of the Town of New Milford shall be deemed applicable and accurate unless shown to be otherwise by a Class A2 survey certified by a registered land surveyor.

### **§ 18-62. Authority of Town Council to provide for installment payments.**

[Ord. of 11-30-1998, § 5]

The Town Council may, by resolution, provide for installment method of payment of any assessment levied hereunder, including the number and duration of payments and interest rate to be charged. The interest rate shall not exceed the rate of interest the municipality is obligated to pay to finance the project or would have had to pay if the project were financed.

### **§ 18-63. Benefit assessment enactment procedure.**

[Ord. of 11-30-1998, § 6]

- (a) The Town Council shall fix in the Assessment of Benefits Resolution the due date of assessments made and the manner in which the assessment shall be paid, whether in full or by installment pursuant to § 18-62.

**Construct**  
shall mean the initial building of a driveway.

**Driveway**  
shall mean any area providing for vehicle access to or from a highway.

**Reconstruct**  
shall mean to remove or change the existing surface of a driveway.

**Town highway**  
shall mean any road within the Town of New Milford that has been accepted by the town or may be accepted into the town highway system, regardless of the type of surface of said road.

[1] *Editor's Note: This ordinance also superseded former Article 14, Driveways, derived from Ord. of 5-27-1966.*

### **§ 18-72. Permit required.**

[Ord. of 11-1-1979, § 2]  
It shall be unlawful for any person, firm or corporation to hereafter construct, reconstruct or otherwise alter any driveway abutting or intersecting any road which is now or may become part of the town highway before first filing a written application with the office of the First Selectman of the Town of New Milford and receiving a permit therefor. There shall be no charge for said application.

### **§ 18-73. Contents of application.**

[Ord. of 11-1-1979, § 3]  
Said application shall contain the property owner's name; the location of the proposed driveway; the materials to be used; the time when the work will commence and the time of completion; and also the party or parties who will perform the work.

### **§ 18-74. General construction requirements.**

[Ord. of 11-1-1979, § 4; Ord. of 7-8-2013]  
Any such proposed new driveway abutting a Town highway shall be constructed of a minimum of two inches of bituminous concrete over six inches of gravel or four inches of concrete or of other similar substance in the area from the existing traveled portion of the highway to the property line or to a distance of 30 feet, whichever is greater. The driveway will be constructed in a manner and of materials with sight lines and grade pitch to the satisfaction of the Director of Public Works or his designated representative. The proposed driveway shall be confined between lines projected from the frontage corners of the property perpendicular to the center of the highway, but this requirement may be waived in writing by the Director of Public Works. Notwithstanding the foregoing, bituminous concrete paving shall not be required on a driveway that abuts an unpaved highway that is also designated a scenic road in Code of New Milford § 17A-10, as amended. In all other respects, however, such driveway shall be constructed in conformity to and compliance with the standards and requirements of this article. Should the scenic road that abuts an unpaved driveway be paved at a later date, then and in that event, the owner of the driveway shall, at the owner's expense within 90 days of completion of road paving, pave the abutting driveway area as hereinabove specified and described.



that the permit expires, such cash deposit shall be forfeited to the town. In lieu of requiring a cash deposit, the Director of Public Works may authorize the applicant to post a performance bond with surety in the amount of not less than \$1,000 conditioned upon the completion of the permit work and compliance with this article. When a performance bond is authorized, such performance bond shall be in the form authorized for use by Town Counsel. The surety shall be a company authorized to act as surety by the State of Connecticut and shall be subject to approval by the First Selectman.

### **§ 18-80. Waiving of deposit or bond.**

[Ord. of 11-1-1979, § 10]

The Director of Public Works may waive the cash deposit and/or performance bond requirement for reconstruction or alteration.

### **§ 18-81. Violations and penalties.**

[Ord. of 11-1-1979, § 11]

Any person, firm or corporation who shall violate any of the provisions of this article shall be fined not more than \$25 for each day that said violation exists.

## **ARTICLE V. Liability for Ice and Snow on Sidewalks**

### **§ 18-82. Adoption of statutory provisions.**

[Ord. of 2-8-1988, § 1]

The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted and are set forth in §§ **18-83** and **18-84** hereof.

### **§ 18-83. Nonliability of town.**

[Ord. of 2-8-1988, § 2]

Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other general statute or special act, the Town of New Milford 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 of New Milford is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the Town of New Milford shall be liable for its affirmative acts with respect to such sidewalk.

### **§ 18-84. Responsibilities and liability of adjacent property owner.**

[Ord. of 2-8-1988, § 3]

- (a) 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 this article and