

Chapter 212. Streets and Sidewalks

[HISTORY: Adopted by the Town Council of the Town of Rocky Hill as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building on unaccepted streets — See Ch. **100**, Art. **II**.

Snow and ice removal from hydrants — See Ch. **157**, Art. **II**.

Parades and motorcades — See Ch. **184**.

Parking during snow emergencies — See Ch. **230**, Art. **IV**.

Fees — See Ch. **A249**.

Article I. Work in Public Rights-of-Way

[Adopted 6-19-1972 by Ord. No. 28-72]

§ 212-1. Manual of types of work.

[Amended 1-6-1992 by Ord. No. 171-92]

The Director of Highways and Engineering, or his agent, shall compile a manual listing all types of work to be performed in, on, over or under any public rights-of-way for street or highway purposes or for any other specific purpose, which is maintained by the Town of Rocky Hill, by anyone other than the Town of Rocky Hill, and for which a permit is required by the ordinances of the Town of Rocky Hill or the statutes of the State of Connecticut.

§ 212-2. Adoption of regulations.

[Amended 1-6-1992 by Ord. No. 171-92]

The Town Council shall, from time to time, adopt such regulations as it deems fitting, necessary or proper to control the issuance of such permits and the work to be done under said permits. These regulations may be amended from time to time by the Town Council upon recommendation of the Director of Highways and Engineering or his agent. Said regulations, and amendments thereto, shall be included in said manual, which shall be on file with the Town Clerk.

§ 212-3. Penalties for offenses.

[Amended 1-6-1992 by Ord. No. 171-92]

Anyone violating any of the terms of any of the ordinances, statutes or regulations covering the issuance of such permits and the work to be performed thereunder shall be fined \$25 per day for each offense, and each day that this violation shall exist or continue shall be deemed to be a separate offense.

Article II. Snow in Public Streets

[Adopted 4-19-1982 by Ord. No. 96-82]

§ 212-4. Deposit prohibited.

No person shall lay, throw, blow, place or plow or cause to be laid, thrown, placed or plowed on or into any public street or way any snow or ice from any private property. If, in the removal of snow or ice from any private property, street or way, it is necessary to temporarily place snow or ice on any public street or way, such snow or ice shall immediately be removed from the public street or way by and at the expense of the person causing such deposit.

§ 212-5. Prohibitions.

No person in the process of clearing any private way or area of snow and ice shall:

- A. Leave the surface of adjoining public ways any less clear of snow and ice than such person found the public way just previous to commencement of clearance.
- B. Plow or deposit snow or ice on the side of embankments to public ways so as to narrow or decrease the width of the traveled portion of the public way as it existed just previous to such person's clearance.
- C. Plow or deposit snow or ice on an adjoining property owner's property, the portion of which is within the Town's right-of-way, without the owner's authorization.

§ 212-6. Nonapplicability.

The provisions of this article do not apply to the Town of Rocky Hill and the State of Connecticut.

§ 212-7. Penalties for offenses.

[Amended 1-6-1992 by Ord. No. 171-92]

The penalty shall be \$25 per day for each violation or offense, and each and every twenty-four-hour period of failure or neglect to comply with the above provisions shall be deemed a separate offense or violation.

Article III. Municipal Liability

[Adopted 6-3-1985 by Ord. No. 125-85]

§ 212-8. Adoption of statute.

The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted and are set forth in §§ **212-9** and **212-10** hereof.

§ 212-9. Liability for injury.

Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other general statute or special act, the Town of Rocky Hill 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 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 shall be liable for its affirmative acts with respect to such sidewalk.

§ 212-10. Liability of abutting property owners.

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 chapter adopted pursuant to the provisions of Public Act No. 81-340^[1] and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

[1] *Editor's Note: See C.G.S. § 7-163a.*

B. 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.

Article IV. Sidewalk Construction and Repair

[Adopted 3-3-1986 by Ord. No. 135-86; amended in its entirety 2-6-2006 by Ord. No. 229-06]

§ 212-11. Powers of Town.

When the Town determines it shall be in the best interest of the Town, it may order that sidewalks be constructed within the public rights-of-way. Sidewalks may be constructed on either or both sides of said right-of-way.

§ 212-12. Notice of construction.

Said notice of construction will be sent by the Town Manager or his/her agent to the abutting property owners by certified mail at least 30 days prior to the commencement of construction. A meeting with affected property owners shall be held prior to construction.

§ 212-13. New sidewalk construction on existing town streets and payment of costs.

Unless otherwise agreed between the Town and affected property owners, the Town shall construct and/or arrange to be constructed all sidewalks, and the Town shall assume and pay all costs of engineering, site preparation and construction of sidewalks on accepted streets and public highways within the Town, except as provided for in § 212-18.

§ 212-14. Materials.

Sidewalks shall be constructed of portland cement concrete, unless the Director of Engineering and Highways prescribes otherwise.

§ 212-15. Cost of repair.

The Town shall pay for all costs and expense of repair of all public sidewalks. The Town Manager shall determine what repair is reasonably necessary in the interest of public safety.

§ 212-16. Damaging public sidewalks; cost of repair.

No person shall cause any damage to any public sidewalk. Any person who causes damage to such sidewalk shall pay for the cost of repairing or replacing the same. He shall further pay for any other consequential damage, loss and liability arising out of said damage. If any owner shall fail to repair any sidewalk in accordance with the Town directive, the Town Manager may cause the same to be done. The expense and cost of thereof shall be charged to the owner of the abutting property. Upon failure of such owner to pay such expense and cost within 60 days, the Town Manager shall file a lien against the property affected. Such lien may be enforced and collected in the same manner and under the same dictates as are provided by law for the collection and enforcement of tax liens. After such public sidewalks have been constructed and approved, they shall be subject to the provisions of this article.

§ 212-17. Study and report on sidewalk needs.

The Town Manager, together with the Chief of Police, Director of Engineering and Highways, the Superintendent of Schools, and the Planning and Zoning Commission, shall give continuing study and consideration to the need for sidewalks. The Manager shall, from time to time, make reports and recommendations to the Council.

§ 212-18. Sidewalks in subdivisions and business, commercial and industrial zones.

- A. The cost of construction of public sidewalks in proposed subdivisions of the Town shall be borne by the respective developers. Developers of bona fide subdivisions approved by the Planning and Zoning Commission shall post sufficient bond to construct sidewalks as shown on their approved plans. Failure to complete the sidewalk construction will result in bond forfeiture.
- B. The cost of construction of public sidewalks, as directed by the Town Manager or his agent, in all business, commercial, and industrial zones shall be borne by the abutting property owners; if any abutting owner shall fail to construct any sidewalk in accordance with any Town directive, the Town Manager may cause the same to be done. The expense and cost thereof shall be charged to the property owner. Upon failure of such owner to pay such expense and cost within 60 days, the Town Manager shall file a lien against the property affected. Such lien may be enforced and collected in the same manner and under the same dictates as are provided by law for collection and enforcement of tax liens. After such public sidewalks have been constructed and approved, they shall be subject to the provisions of this article.

§ 212-19. Sidewalk waiver fee.

If a developer of a proposed subdivision obtains a sidewalk waiver from the Planning and Zoning Commission, a fee in a sufficient amount to construct the walk, as established by the Director of Engineering and Highways, shall be imposed and placed in a sidewalk fund. This fee shall be submitted to the Town of Rocky Hill and will become a condition of Planning and Zoning Commission approval even if it is not so stated.

§ 212-20. Appeals.

Any decision of the Town may be appealed to the court with jurisdiction in the Town of Rocky Hill.

Article V. Sidewalk Obstructions

[Adopted 3-3-1986 as Sections 9 and 10 of Ord. No. 135-86]

§ 212-21. Removal of ice and snow.

The owner or owners of any property which abuts on a public sidewalk shall remove all accumulation of ice and snow within 12 hours after such snow and/or ice has begun to accumulate, or within such period of time as the Town Manager may order. If such owner shall fail to remove said accumulations of snow and ice, the Town Manager may cause the same to be done by another or others. The expense and cost thereof shall be charged to the owner of the abutting property. Upon failure of such owner to pay such expense and cost within 60 days, the Town Manager shall file a lien against the property affected. Such lien may be enforced and collected in the same manner and under the same dictates as is provided by law for the collection and enforcement of tax liens. If it is impracticable to remove the ice from said sidewalk, the walk shall be treated with an abrasive or chemical until the ice accumulation can be removed.

§ 212-22. Duties of property owner.

The owner of such abutting property shall be responsible for maintaining his part of the public sidewalk free from all obstructions or materials which may be hazardous to pedestrian traffic such as dirt, sand, leaves, tree branches, grass clippings, rocks, stones or any other materials. If such owner shall fail to maintain the sidewalk free from accumulations of such materials, the Town Manager may cause the same to be done and may collect the cost thereof from said owner as provided in § 212-21.

§ 212-23. Penalties for offenses.

[Amended 1-6-1992 by Ord. No. 171-92]

The owner, agent of the owner, tenant or occupant of premises who shall violate the above shall be subject to a fine of \$25 per day for each violation or offense, and each and every twenty-four-hour period of failure or neglect to comply with the above provisions shall be deemed a separate offense or violation.

Article VI. Use of Police Personnel During Work on High-Traffic Roads

[Adopted 3-3-2014 by Ord. No. 264-14]

§ 212-24. Purpose.

The purpose of this article is to establish standards for the requirement of police officers to be present when, in the course of the opening of the roadbed, paving of the roadbed, trimming of trees over the right-of-way, trimming of trees on private property, repairs or construction on public roads or the laying or repairing of sewers, electrical telephone, gas lines, water or any type of telecommunications equipment, cable TV or other types of underground utilities or the installation of aboveground utilities, which would interfere with the normal or regular flow of traffic within the Town of Rocky Hill, or the flow of vehicular or pedestrian traffic is impeded or displaced. In all cases, the priority shall be to provide for the safety and security of the general public and the workers in the work zone must be present to direct traffic on certain road traffic sites under certain conditions. These conditions are as follows.

§ 212-25. Police personnel required.

- A. When work to be done on a high-traffic road under this article and/or placement of any work equipment or work materials on a high-traffic road interferes with the natural flow of traffic, causing a traffic safety concern as determined by the Chief of Police or his designee. (Safety concerns include but are not limited to weather conditions, visibility, line sight limitations, road surface conditions, gradation, and curvatures of roadways).
- B. When work to be done on a road not deemed to be a high-traffic road or adjacent property under this article and/or placement of any work equipment or work materials on a road not deemed to be a high-traffic road interferes with the natural flow of traffic causing a traffic safety concern as determined by the Chief of Police or his designee. (Safety concerns include but are not limited to weather conditions, visibility, line sight limitations, road surface conditions, gradation, and curvatures of roadways).

§ 212-26. Notice required.

Whenever work described in § **212-25A** is being done on high-traffic roads, the Chief of Police or his designee must be given 48 hours' notice before such work begins. Such notice must include details of the work to be done, the number of police officers required, estimated time table of the project, and the name, title and phone number of the contact person. Final decision as to the number of officers, duration of officers and usage of appropriate traffic control signage is to be made by the Police Chief or his designee prior to the start of work. In the event field conditions change, any changes to the number or duration of officers or signage must be approved by the Police Chief or his designee.

§ 212-27. Emergency passage required.

At any time there is construction in any roadway within the Town of Rocky Hill, a drive-through or passageway shall be maintained at all times of construction such that emergency vehicles may pass through or arrive at the construction site.

§ 212-28. Responsibility for costs.

The costs of the police officer required under this article shall at all times be borne by the entity or persons doing the work.

§ 212-29. Exemptions.

- A. During an emergency situation, as recognized by the Police Chief or his designee (such as major power outages, flooding or severe snowstorm), when it is not possible to give 48 hours' notice, utility companies may use their own employees as flagmen or safety officers until such time as the emergency is over and are exempt from this article.
- B. The Connecticut Department of Transportation shall be exempt from the provisions of this article when performing work on state highways and bridges.
- C. The Town of Rocky Hill shall be exempt from the provisions of this article when performing work on its own streets and bridges.

§ 212-30. Penalties for offenses.

- A. Person(s) conducting work in violation of any provision of this article shall be required to cease work and to comply with this article until work may resume.

- B. After such notice, the person in violation of any provision of this article will be subject to the assessment of a fine of \$100 per day for each day work is being done, and required to remove all equipment, materials, and personnel from the roadway.

§ 212-31. High-traffic roads.

High-traffic roads are as follows:

Bailey Road
Brook Street
Capital Boulevard
Century Hills Drive
Chapin Avenue
Charter Road
Church Street
Cobey Road
Cold Spring Road
Cromwell Avenue
Dividend Road
Elm Street
Falcon Ridge Drive
Fern Street
Forest Street
France Street
Gilbert Avenue
Glastonbury Avenue
Grimes Road
Hayes Road
Henkel Way
Main Street
Maple Street
Marshall Road
Meadow Road
New Britain Avenue
New Road
Old Forge Road
Old Main Street
Orchard Street
Parsonage Street
Pratt Street
Silas Deane Highway
Town Line Road
Trinity Ridge Drive
Valley View Road
Waters Avenue

West Street

Westerly Terrace

Woodfield Crossing