



**Town of Mansfield
Code of Ordinances**

**“Amendments to Ordinance Regarding Streets and Sidewalks”
*May 9, 2016 October 13, 2015 Draft***

Chapter 166. Streets and Sidewalks
Scenic Roads- See Ch. 155

ARTICLE I. Deposit of Snow or Ice on Highways

Section 166-1. Legislative Authority.

This Article is enacted pursuant to the provisions of Sections 7-194, 7-148 and 7-152c of the Connecticut General Statutes.

Section 166-2. Deposit prohibited.

No person shall deposit any snow or ice onto any portion of any public highway within the Town of Mansfield.

Section 166-3. Penalties for offenses.

Any person violating this articles may be guilty of an infraction.

ARTICLE II. Sidewalks

Section 166-4. Legislative authority.

This Article is enacted pursuant to the provisions of Sections 7-148, 7-152c, 7-163a and 14-289 of the Connecticut General Statutes.

Section 166-5. Snow and ice on sidewalks.

Except for sidewalks, walkways and bikeways actively maintained by the town and connections from single- or two-family residential uses to a sidewalk, the owner, agent of the owner, or occupant of any building or land bordering upon any street, square or public place within the town where there is a sidewalk, graded, or paved or planked, shall cause to be removed therefrom any and all snow sleet and ice within eight hours after the same shall have fallen, been deposited or found, or within three hours after sunrise, when the same shall have fallen in the night season; and whenever any such sidewalk, or any part thereof, shall be covered with ice, the owner, agent, or occupant of the building or lot adjacent thereto shall, within the space of one hour thereafter, during the daytime, cause such sidewalk to be made safe and convenient by removing the ice therefrom, or by covering the same with sand or some other suitable substance.

Section 166-6 Penalties for Offenses.

This section is DELETED IN ITS ENTIRETY AND REPLACED BY NEW SECTION 166- 6, below.

Section 166-6. Removal of snow and ice by town.

If any sidewalk shall remain encumbered with snow, ice or sleet for two hours after the

owner or person having the charge or care of the lot or building bordering on such sidewalk and legally liable to clear the same has been notified by the town to remove the same, the town shall cause the same to be cleared or sanded, as the case may be, and the town shall collect the expense thereof from such owner or other persons.

Section ~~166-8~~ 166-7. Municipal liability.

The town 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, or unless the town has actively taken responsibility for maintaining the sidewalk, provided that the town shall be liable for its affirmative acts with respect to such sidewalk. Pursuant to Connecticut General Statutes section 7-163a, unless the town has actively taken responsibility for maintaining the sidewalk, the owner or person in possession and control of land abutting a public sidewalk in the town 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 or her property as the municipality had prior to the effective date of the snow and ice removal provisions of this Article and shall be liable to persons or property where a breach of said duty is the proximate cause of said injury. The town hereby adopts and incorporates said section 7-163a herein.

Section ~~166-9~~ 166-8. Repair of sidewalks.

It shall be the duty of the owner, agent of the owner, or occupant of any building on land bordering upon any street, square or public place within the town where there is a sidewalk, paved or planked, to keep such sidewalk in good repair.

Section ~~166-10~~ 166-9. Notice to owner to repair sidewalks.

Whenever a sidewalk is found to be dangerous and unsafe to walk upon or in such condition that it is likely to cause or contribute to persons falling or stumbling thereon, the town shall order the owner of property abutting said sidewalk to repair the same in accordance with specifications as shall be deemed reasonable by the town. An order to make such repairs shall be in writing and may be given to the owner in person or by registered or certified mail addressed to him or her at his or her last known place of abode or business as set forth in the records of the Assessor's Office of the Town of Mansfield. Said order shall specify the date by which the repairs shall be made, which in no case shall be less than 30 days after service of said order on the abutting owner as prescribed herein.

Section ~~166-11~~ 166-10. Performance of sidewalk repairs by town; costs.

Whenever said abutting owner fails, neglects or refuses to make repairs to a sidewalk ordered by the town, it shall be the duty of the town to repair the same at the expense of the abutting owner. The town may cause the repairs to be made by town employees or by private contractor and shall charge the abutting owner the actual cost thereof plus a sum equal to 20% thereof to help to defray administrative costs incurred to carry out the purposes of this Article.

Section 166-12 Penalties for Offenses.

This section is DELETED IN ITS ENTIRETY AND REPLACED BY NEW SECTION 166-11, below.

Section 166-11. Enforcement; Penalties for Offenses.

- A. The ordinances, policies, and procedures of this Chapter shall be enforced by local, state or University of Connecticut police. In addition, the Town Manager may designate in writing one or more Town officials or employees or agents empowered to take enforcement action authorized by Articles I and IIA of this Chapter.
- B. Any commission of a prohibited act or omission of required action as set forth in said Articles I and IIA shall be a violation of this Chapter authorizing any such Town official or employee or police officer to issue a written warning to the alleged violator providing notice of the violation and the citation and fine that will be imposed if the violation is continued or repeated beyond a reasonable deadline stated in the written warning and notice.
- C. After said written notice and warning is delivered to the alleged violator, if the prohibited act is continued or repeated or the violator fails to take expressly required action to cure the violation, a citation may be issued calling for a fine of \$100 for each separate act or omission of violation or for each day that any such violation continues after the deadline for acting in response to any such warning. Any such fine shall be payable within ten (10) calendar days of the date of issuance of the citation.
- D. The citation shall also inform the alleged violator that If any such fine issued pursuant to this Article is unpaid beyond the due date, the amount of the fine shall double and the Town may initiate proceedings under the authority of C.G.S. section 7-152c and Chapter 129 of this Code of the Town of Mansfield, the Hearing Procedure for Citations Ordinance, to collect the fine. The alleged violator must also be informed that they may appeal the citation and fine pursuant to section 129-10 of said Hearing Procedure for Citations Ordinance.
- E. The Town Manager may authorize the town department or agency with which the citation issuing town official, employee, or police officer is affiliated to negotiate, compromise or waive any fine that is assessed via a citation issued by such official, employee or officer, but only if compliance by the violator with the violated part of this ordinance is secured in advance of any such action.
- F. Nothing in this Article shall limit the ability of the authorities to initiate and prosecute any, criminal offense or the provisions of any other Town ordinance regarding any of the same circumstances resulting in the application of this Article.

NEW ARTICLE IIB. Use of Sidewalks by Bicycles, Hover boards, Scooters, Skaters and Skateboarders.

Section 166-12. Findings and Purpose.

The Town Council of the Town of Mansfield finds that the improper or careless use of Town sidewalks by bicyclists, skaters and skateboarders can create hazards detrimental to the public welfare, health and safety of the people of the Town. Therefore, pursuant to the

various police, health and public safety powers granted to municipalities per C.G.S. section 7-148 and section 14-289, the Town of Mansfield seeks to protect, preserve and promote the health, safety, welfare and quality of life of the people by carefully regulating the use of Town sidewalks by bicyclists, skaters and skateboarders.

Section 166-13. Sidewalk and public space use restrictions on bicyclists, skaters, and hover board, scooter and skateboard users.

1. Any bicyclist, skater or skateboarder using a sidewalk shall exercise due care and caution to avoid colliding with any other person on the sidewalk. Every bicyclist and skateboarder shall travel on the sidewalk in a consistent and predictable manner, and their speed shall not exceed 10 miles per hour.
2. A bicyclist shall yield to any pedestrian or any other person or vehicle using the sidewalk at any time.
3. A bicyclist, skater or skateboarder must give an audible warning before passing another person, pedestrian bicyclist, or user of any mode on the sidewalk. Said warning may be produced by voice, bell, whistle or horn and must be clearly audible. Such audible warning must be produced prior to executing the passing maneuver. The passer is responsible for safely passing other users on the sidewalk.
4. Any bicyclist using a sidewalk shall travel to the right side of the sidewalk as is safe, except while overtaking and passing another user going in the same direction.
5. Any bicyclist using a sidewalk from one-half hour after sunset to one-half hour before sunrise must be equipped with or carry lights. Bicyclists shall have a headlight visible from 500 feet to the front and a red or amber light visible from 500 feet to the rear.
6. Every person operating a bicycle on a sidewalk shall obey the instructions of any official traffic control sign or device applicable thereto placed in accordance with applicable laws or regulations unless otherwise directed by a police officer.
7. No person shall park, abandon, chain, lock or otherwise leave any bicycle or scooter other than at a designated rack. Under no circumstances shall bicycles or scooters be attached to trees, street signs, light poles, waste receptacles or furniture.
8. No person shall operate any motorized bicycle, hover board, motorized scooter or other motor powered vehicle on any sidewalk or ~~public way~~ or upon the Town Square Area as defined in Chapter 138 Mansfield Town Square Ordinance Section 138-4.
9. No person shall operate or ride any skateboard on any stonewall, retaining wall, railings, stairways, railings, furniture, planting beds, lawn areas or pavers.

10. No person shall operate or ride any bicycle on any stonewall, retaining wall, railing, stairway, furniture, planting bed or lawn area.
11. No person shall operate or ride any hover board, skateboard, skates or bike in any parking garage. Bicyclists who ~~that~~ utilize bicycle racks in any parking garage shall walk bicycles in the parking garage.
12. Nothing in this section shall be interpreted to prohibit wheelchairs or other mobility devices utilized by disabled persons.

Section 166-14. Penalties for Offenses.

Any person violating the provisions of this Article IIB may be issued a citation by a police officer or a Town official or employee or agent designated in writing by the Town Manager to issue such citations. Such citation shall inform the person named therein of the allegations against them and that the amount of the fine shall be \$90.00. The citation shall also inform the offender that that the fine must be paid within ten days of the date of the citation, that the fine will double if not paid by the due date, that the Town may initiate proceedings under the authority of C.G.S. section 7-152c and Chapter 129 of this Code of the Town of Mansfield, the Hearing Procedure for Citations Ordinance, to collect the fine, and that the alleged offender may appeal the citation and fine pursuant to section 129-10 of said Hearing Procedure for Citations Ordinance.



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Section 166-6 Penalties for Offenses.

This section is DELETED IN ITS ENTIRETY AND REPLACED BY NEW SECTION 166- 6, below.

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Section 166-7. Municipal liability.

The town 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, or unless the town has actively taken responsibility for maintaining the sidewalk, provided that the town shall be liable for its affirmative acts with respect to such sidewalk. Pursuant to Connecticut General Statutes section 7-163a, unless the town has actively taken responsibility for maintaining the sidewalk, the owner or person in possession and control of land abutting a public sidewalk in the town 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 or her property as the municipality had prior to the effective date of the snow and ice removal provisions of this Article and shall be liable to persons or property where a breach of said duty is the proximate cause of said injury. The town hereby adopts and incorporates said section 7-163a herein.

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Section 166-10. Performance of sidewalk repairs by town; costs.

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- B. Any commission of a prohibited act or omission of required action as set forth in said Articles I and IIA shall be a violation of this Chapter authorizing any such Town official or employee or police officer to issue a written warning to the alleged violator providing notice of the violation and the citation and fine that will be imposed if the violation is continued or repeated beyond a reasonable deadline stated in the written warning and notice.

- C. After said written notice and warning is delivered to the alleged violator, if the prohibited act is continued or repeated or the violator fails to take expressly required action to cure the violation, a citation may be issued calling for a fine of \$100 for each separate act or omission of violation or for each day that any such violation continues after the deadline for acting in response to any such warning. Any such fine shall be payable within ten (10) calendar days of the date of issuance of the citation.

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