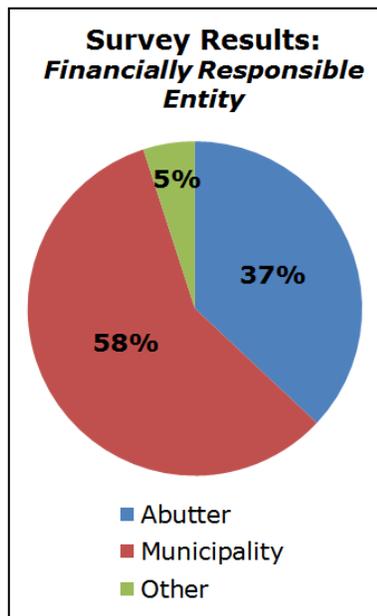




## FINANCIAL RESPONSIBILITY FOR PUBLIC SIDEWALK REPAIR

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### ISSUE

Survey Connecticut municipalities to determine who bears financial responsibility for repairing public sidewalks.

### SUMMARY

We surveyed Connecticut's 169 municipalities and found that 127 of them have sidewalk repair policies, four do not have a policy, and 38 do not have sidewalks. Of the 127 with sidewalk repair policies, abutters are financially responsible for repairs in 47 municipalities and 74 municipalities bear responsibility themselves.

Five municipalities have policies shifting the burden depending on whether the sidewalk is (1) state- or municipally-owned or (2) within the state or municipal right of way. One municipality reported that repairs are the state's responsibility.

In municipalities that place the burden on abutters, the policy is often codified in an ordinance. But, in many municipalities, sidewalk repair policies are informal and based on past practice. We found that municipal sidewalk repair policies often include exceptions. For example, in many municipalities where the abutter is responsible, the municipality will take responsibility for damage caused by municipally-owned tree roots. In other municipalities, abutters may be relieved of responsibility for sidewalks within the downtown area or used by children walking to school. And in municipalities where abutters are generally not responsible for sidewalk repairs, they may be responsible if they cause the damage, for example when doing construction work on their property.

## STATEWIDE SURVEY

### **Method**

We collected the data for this report through an email survey of municipal planning offices and chief elected officials. We called municipalities from which we did not receive a response to our email survey. The information in Tables 1 and 2 reflects the data collected through these emails and conversations.

### **Results**

Four municipalities, Burlington, Ledyard, Sterling, and Woodbridge, reported that they do not have a sidewalk repair policy. And 38 municipalities, listed in Table 1, reported having no sidewalks abutting private property (e.g., residences and businesses).

**Table 1: Municipalities Without Sidewalks**

Andover	Chaplin	Killingworth	Preston
Barkhamsted	Colebrook	Lebanon	Prospect
Bethany	Columbia	Lyme	Roxbury
Bethlehem	Cornwall	Middlefield	Scotland
Bolton	Durham	Morris	Union
Bozrah	Easton	New Fairfield	Warren
Bridgewater	Franklin	North Stonington	Weston
Brookfield	Goshen	Orange	Wolcott
Brooklyn	Hampton	Oxford	
Canterbury	Hartland	Pomfret	

Table 2 provides the survey results for the 127 municipalities with a sidewalk repair policy. The middle column shows the entity that, according to the town official who provided us information, is responsible for repair costs. The third column lists exceptions to policies. There are several recurring exceptions to these policies. For example, at least

- five municipalities shift the burden from abutters to themselves for certain sidewalks in downtown areas or used by students walking to school;
- nine municipalities shift the burden from abutters to themselves when damage is caused by tree roots, a snow plow, or other activities conducted by the municipality;
- 11 municipalities partially reimburse abutters for repair costs or offer grants or loans to abutters;

- 10 municipalities, though not their official policy, take responsibility for sidewalk repairs consistently or occasionally;
- 14 municipalities make abutters responsible for repair costs if their actions gave rise to the needed repairs; and
- three municipalities require abutters to make repairs to custom abutter-installed sidewalks (e.g., wider sidewalks, masonry sidewalks).

**Table 2: Financial Responsibility for Sidewalk Repairs**

<b>Municipality</b>	<b>Financially Responsible Entity</b>	<b>Exceptions and Notes</b>
<b>Ansonia</b>	Abutter	Municipality reimburses abutters for one-third of the cost of concrete
<b>Ashford</b>	Municipality	
<b>Avon</b>	Abutter	Municipality maintains certain sidewalks that are used by students walking to school
<b>Beacon Falls</b>	Abutter	Municipality is responsible if damage is caused by a snow plow  Other exceptions are made on a case-by-case basis
<b>Berlin</b>	Municipality	Municipality may hold abutters responsible if they damage a sidewalk
<b>Bethel</b>	Abutter	In practice, the municipality periodically repairs sidewalks at no cost to the abutter
<b>Bloomfield</b>	Municipality	Municipality does not repair newly-installed sidewalks in developments for the first 20 years  Municipality seeks reimbursement from abutters who damage a sidewalk
<b>Branford</b>	Municipality	
<b>Bridgeport</b>	Abutter	
<b>Bristol</b>	Abutter	Municipality responsible for costs resulting from tree root damage caused by a municipally-owned tree  Municipality may repair a sidewalk as part of a public works project  Municipality has a sidewalk repair program that offers grants (50%) and low interest loans to owners of residential properties with fewer than six units
<b>Canaan</b>	Municipality	
<b>Canton</b>	Municipality	None
<b>Cheshire</b>	Municipality	
<b>Chester</b>	Municipality	
<b>Clinton</b>	Municipality	
<b>Colchester</b>	Abutter	None
<b>Coventry</b>	Abutter	None
<b>Cromwell</b>	Municipality	Municipality may hold abutters responsible if they damage a sidewalk in the course of construction work
<b>Danbury</b>	Abutter	

Table 2 (continued)

<b>Municipality</b>	<b>Financially Responsible Entity</b>	<b>Exceptions and Notes</b>
<b>Darien</b>	Municipality	Municipality not responsible for sidewalks on private streets or along state roads, unless they are municipally-installed sidewalks
<b>Deep River</b>	Municipality	None
<b>Derby</b>	Abutter	
<b>East Granby</b>	Municipality	
<b>East Haddam</b>	Municipality	
<b>East Hampton</b>	Municipality	
<b>East Hartford</b>	Abutter	
<b>East Haven</b>	Abutter	
<b>East Lyme</b>	Municipality	
<b>East Windsor</b>	Municipality	
<b>Eastford</b>	Municipality	
<b>Ellington</b>	Municipality	None
<b>Enfield</b>	Municipality	
<b>Essex</b>	Municipality	Abutters may be responsible for sidewalks in the downtown area if the width varies from other sidewalks
<b>Fairfield</b>	Municipality	Abutter responsible if they damage a sidewalk, except for tree root damage
<b>Farmington</b>	Abutter	None
<b>Glastonbury</b>	Municipality	Municipality may hold abutters responsible if they damage a sidewalk
<b>Granby</b>	Municipality	
<b>Greenwich</b>	Municipality (sidewalk within the town right-of-way)  Abutter (other sidewalks)	Abutter responsible if the sidewalk has a "custom" finish (e.g., bricks)
<b>Griswold</b>	Municipality	Private developments are responsible for repairing their sidewalks
<b>Groton</b>	Municipality	
<b>Guilford</b>	Municipality	None
<b>Haddam</b>	Municipality	None
<b>Hamden</b>	Abutter	Municipality responsible for costs resulting from tree root damage if the tree is on municipal property
<b>Hartford</b>	Abutter	Municipality repairs certain sidewalks designated as "city accepted sidewalks"
<b>Harwinton</b>	Abutter	
<b>Hebron</b>	Municipality	None
<b>Kent</b>	Municipality	None
<b>Killingly</b>	Municipality	
<b>Lisbon</b>	Municipality	
<b>Litchfield</b>	Municipality (repairs made by boroughs)	
<b>Madison</b>	Abutter	None
<b>Manchester</b>	Municipality	Municipality will cover half the costs if an abutter unilaterally opts to replace a concrete sidewalk

Table 2 (continued)

<i>Municipality</i>	<i>Financially Responsible Entity</i>	<i>Exceptions and Notes</i>
<b>Mansfield</b>	Abutter	Municipality repairs sidewalks in the downtown area, as well as wide walk and bike path sidewalks
<b>Marlborough</b>	Abutter	None
<b>Meriden</b>	Abutter	Municipality reimburses up to 65% of the repair cost  Municipality annually replaces many sidewalks at no cost to the abutter
<b>Middlebury</b>	Municipality	
<b>Middletown</b>	Abutter	Municipality responsible for costs resulting from tree root damage, if the tree is located between the curb and sidewalk
<b>Milford</b>	Abutter	None specified, but the municipality has a hearing procedure in place for abutters aggrieved by an order to repair or replace a sidewalk abutting their property
<b>Monroe</b>	Municipality (sidewalk within the state or town right-of-way)  Abutter (other sidewalks)	Municipality will seek reimbursement for repair costs from a party that causes damage
<b>Montville</b>	Municipality (town-owned sidewalks)  Abutter (other sidewalks)	
<b>Naugatuck</b>	Abutter	Municipality responsible for costs resulting from tree root damage caused by a municipally-owned tree  Municipality repairs sidewalks at no cost to the abutter if grants or funds are available for such work
<b>New Britain</b>	Abutter	
<b>New Canaan</b>	Municipality	Abutting merchants responsible in the downtown area  Municipality seeks reimbursement from abutters who damage a sidewalk
<b>New Hartford</b>	Abutter	In practice, the municipality repairs sidewalks in the downtown area at no cost to the abutter
<b>New Haven</b>	Abutter	Municipality may agree to bear half the cost of repairing a sidewalk abutting residential property with fewer than seven units
<b>New London</b>	Municipality	Municipality is responsible for only half of the cost, with abutters responsible for the other half; in practice, the municipality bears full burden  Municipality seeks reimbursement from anyone damaging a sidewalk as a result of negligence or intentional conduct
<b>New Milford</b>	Abutter	
<b>Newington</b>	Municipality	Anyone damaging a sidewalk is responsible
<b>Newtown</b>	Municipality	Municipality is in the process of revising its sidewalk repair ordinance
<b>Norfolk</b>	Municipality	

Table 2 (continued)

<i>Municipality</i>	<i>Financially Responsible Entity</i>	<i>Exceptions and Notes</i>
<b>North Branford</b>	Municipality	Municipality may hold abutters responsible if they damage a sidewalk in the course of construction work
<b>North Canaan</b>	Municipality (most repairs made by fire district)	If the abutter makes structural changes to the sidewalk, the abutter is responsible for maintenance
<b>North Haven</b>	Abutter	
<b>Norwalk</b>	Abutter	Municipality may replace sidewalks as part of road repaving or reconstruction, if necessary for proper drainage
<b>Norwich</b>	Abutter	Municipal program provides loans to abutters and makes the municipality responsible for installing curbs
<b>Old Lyme</b>	Municipality	None
<b>Old Saybrook</b>	Municipality	None
<b>Plainfield</b>	Municipality (municipally-owned sidewalks)	Municipality seeks reimbursement from abutters who damage a sidewalk
<b>Plainville</b>	Municipality	Municipality may hold abutters responsible if they damage a sidewalk
<b>Plymouth</b>	Abutter	Beginning in 2015, the municipality is making repairs to certain sidewalks at no cost to the abutter
<b>Portland</b>	Abutter	Municipality responsible for costs resulting from tree root damage
<b>Putnam</b>	Abutter	None
<b>Redding</b>	Municipality	
<b>Ridgefield</b>	Abutter	Policy change likely, as municipality's insurance company wants municipality to be responsible
<b>Rocky Hill</b>	Municipality	Municipality may hold individuals responsible if they damage a sidewalk
<b>Salem</b>	Municipality	None
<b>Salisbury</b>	Municipality	None
<b>Seymour</b>	Abutter	Municipality annually makes certain repairs using grant money  If abutter submits three quotes for repair work, municipality may approve a one-third reimbursement
<b>Sharon</b>	Municipality	
<b>Shelton</b>	Abutter	Municipality reimburses 60% of concrete sidewalk repair costs, but no reimbursement for asphalt sidewalks  Municipality responsible for costs resulting from tree root damage  In practice, the municipality maintains certain sidewalks outside of the downtown area that are used by students walking to school
<b>Sherman</b>	Municipality	
<b>Simsbury</b>	Abutter	
<b>Somers</b>	Municipality	None
<b>South Windsor</b>	Municipality	None
<b>Southbury</b>	Municipality	None

Table 2 (continued)

<b>Municipality</b>	<b>Financially Responsible Entity</b>	<b>Exceptions and Notes</b>
<b>Southington</b>	Abutter	Municipal program may provide partial reimbursement  Municipality maintains certain sidewalks that are used by students walking to school
<b>Sprague</b>	Municipality	None
<b>Stafford</b>	Municipality	
<b>Stamford</b>	Municipality	None
<b>Stonington</b>	Municipality	In the borough of Stonington, abutters are responsible
<b>Stratford</b>	Abutter	In practice, the municipality repairs sidewalks at no cost to abutters  Under policy, the municipality is responsible for costs resulting from tree root damage
<b>Suffield</b>	Abutter	In practice, but infrequently, the municipality makes repairs at no cost to the abutter
<b>Thomaston</b>	Abutter	None
<b>Thompson</b>	Municipality	
<b>Tolland</b>	Municipality	
<b>Torrington</b>	Abutter	
<b>Trumbull</b>	Abutter	
<b>Vernon</b>	Municipality	Municipality occasionally requires developers to install new sidewalks
<b>Voluntown</b>	Municipality	None
<b>Wallingford</b>	Municipality	
<b>Washington</b>	Municipality	
<b>Waterbury</b>	Municipality	If the abutter makes repairs, the municipality will not provide reimbursement
<b>Waterford</b>	Municipality	None
<b>Watertown</b>	Municipality	None
<b>West Hartford</b>	Municipality	None
<b>West Haven</b>	Abutter	
<b>Westbrook</b>	Municipality	
<b>Westport</b>	Municipality	Abutters responsible for sidewalks used for commercial and business purposes
<b>Wethersfield</b>	Abutter	Municipality responsible if it created the need for repairs  Municipality provides grants to certain impoverished abutters
<b>Willington</b>	State	Municipality believes state is responsible for repairs to sidewalks, as all sidewalks are along a state road and within the state's right-of-way. The sidewalks were installed by a private landowner before the road they abut became a state road. Municipality and state do not have a contract regarding repairs.

Table 2 (continued)

<b>Municipality</b>	<b>Financially Responsible Entity</b>	<b>Exceptions and Notes</b>
<b>Wilton</b>	Municipality (sidewalk within the town right-of-way)  Abutters (other sidewalks)	None
<b>Winchester</b>	Abutter	In practice, the municipality does not order abutters to make repairs
<b>Windham</b>	Municipality	
<b>Windsor</b>	Municipality	
<b>Windsor Locks</b>	Municipality	Municipality may hold abutters responsible if they damage a sidewalk in the course of construction work
<b>Woodbury</b>	Municipality	
<b>Woodstock</b>	Abutter	

*Source: Survey of municipal chief elected officials and planning and public works officials*

*Note: An empty cell indicates that the municipality did not provide an answer*

JSB:cmg