



MUNICIPAL LIABILITY FOR WINTERTIME SIDEWALK CONDITIONS AFTER ROBINSON V. CIANFARANI

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TRANSFERRING LIABILITY TO ABUTTING OWNERS

CGS § [7-163a](#) authorizes municipalities to transfer by ordinance, to the abutting landowner or possessor, liability for injuries on public sidewalks resulting from the presence of snow or ice.

ISSUE

What impact does the 2014 Connecticut Supreme Court case, *Robinson v. Cianfarani*, 314 Conn. 521, have on municipalities' liability for injuries caused by wintertime sidewalk conditions, such as snow or ice?

The Office of Legislative Research is not authorized to issue legal opinions and this report should not be considered one.

SUMMARY

Robinson affirms the longstanding principle that absent an explicit statute, charter provision, or ordinance, a private property owner is not liable for injuries resulting from natural occurrences (e.g., snow and ice) on a sidewalk in front of his or her property.

Municipalities have a common law duty to keep streets and sidewalks in a reasonably safe condition. However, state law authorizes municipalities to (1) require that owners or occupants of land adjacent to a sidewalk remove ice, snow, sleet, or other debris and (2) by ordinance, set penalties for failure to do so (CGS § [7-148\(c\)\(6\)\(C\)\(v\)](#)). In 1981, the legislature gave municipalities the additional power to transfer, by ordinance, to the abutting landowner or possessor, liability for injuries on public sidewalks resulting from the presence of snow or ice (CGS § [7-163a](#)).



ROBINSON CASE

In *Robinson*, the plaintiff argued that private landowners were liable for injuries she suffered because of slippery conditions on a public sidewalk abutting the landowners' property. The municipality in which the accident occurred, Enfield, had an ordinance that made failure to remove snow and ice from a sidewalk abutting one's property a misdemeanor. However, the ordinance, which was adopted more than 10 years before the legislature enacted CGS § [7-163a](#), did not explicitly transfer civil liability to landowners who fail to remove snow and ice.

The plaintiff argued that, despite the ordinance's lack of a liability transfer, it still imposed a duty on the landowners to remediate the hazardous conditions and thus, they should be held liable for her injuries under common law negligence principles. The Supreme Court rejected this claim, citing a Connecticut Supreme Court case holding that liability transfers must be explicit. In that case, the court held:

At common law there is no liability upon an abutting property owner for injuries resulting from the effects of natural causes upon streets or sidewalks such as the accumulation of snow or ice. Primarily it is the sole duty of the municipality to keep its streets in reasonably safe condition for travel, and not the duty of private persons. Therefore, if the liability is or can be shifted from the municipality to the individual, it must be accomplished by statutory or charter provision or by ordinance adequately authorized by such provision...Imposition upon abutting owners of a duty to clear walks of snow and ice, with a provision of a penalty... for failure to do so... is not sufficient to render the individual, instead of the city, liable for injuries sustained by reason of snow or ice thereon. (Willoughby v. New Haven, 123 Conn. 446, 451 (1937) (internal citations omitted)).

The court in *Robinson* noted that *Willoughby* remains the law in Connecticut. Thus, to transfer its liability for wintertime sidewalk conditions to the abutting landowner, a municipality must explicitly adopt, by ordinance, the provisions of § 7-163a. The *Robinson* court noted that several municipalities have adopted such provisions, including Bridgeport, New Haven, and Norwalk.

HYPERLINKS

The Connecticut Supreme Court's *Robinson* opinion is available [here](https://www.jud.ct.gov/external/supapp/Cases/AR0cr/CR314/314CR5.pdf) (<https://www.jud.ct.gov/external/supapp/Cases/AR0cr/CR314/314CR5.pdf>).

The case's procedural history is available [here](http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHDCV16023809S)
(<http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHDCV16023809S>).

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