

Placement of Obstructions onto Public Roadways, Streets or Highways

It shall be a violation of this ordinance for property owners, their agents or any other person, to throw, place, plow or deposit or cause to be thrown, placed, plowed or deposited any ice, snow or any other type of debris into a public roadway, street or highway from private lands and property without first obtaining written authority or permission of the Board of Selectman.

It shall be a violation of this ordinance for property owners, their agents or any other person, to intentionally discharge, or allow to be intentionally discharged, any water onto a public roadway, street or highway which then causes an accumulation of ice or creates a safety hazard or nuisance without first obtaining written authority or permission of the Board of Selectman. It shall be the duty of the Middlebury Police Department to enforce the provisions of this ordinance.

A property owner shall, upon notice by the Police Department of a violation of this ordinance, cause said snow, ice or other type of debris to be removed from the public roadway, street or highway, returning it same to a safe condition for public travel. Any property owner who shall fail, upon notice, cure said violation, shall be subject to a fine not to exceed one hundred dollars (\$100.00) for each violation. Each twenty four (24) hour period that said public roadway, street or highway is not cleared or returned to a safe condition for public travel shall be considered a separate violation and fined as such.

The Board of Selectmen may cause said snow, ice or other type of debris to be removed from the public roadway, street or highway and the expenses thereof may be collected by the town in an action of debt against the property owner and shall continue to be a lien and real encumbrance in favor of the town and upon such land or building. The certificate of lien shall be recorded within sixty (60) days thereafter unless such expenses shall be previously paid.

Any property owner so fined for violation of this ordinance may submit a written appeal to the Board of Selectman within thirty (30) days of the violation date. Said appeal shall be heard by the Board of Selectmen within thirty (30) days and a ruling shall be issued within an additional twenty (20) days.

Nothing shall prevent the Town of Middlebury from bringing an action in a court of original jurisdiction on behalf of the Town of Middlebury to enforce this ordinance and/or to recover any and all fines as hereinbefore set forth, as well as any costs and attorney's fees incurred, in pursuing said court action.

The provisions of this section shall not apply to the official snow removal operations of the Town of Middlebury or to the State of Connecticut.

If any section, subsection clause or phrase of this Ordinance is found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion.

Approved by the Board of Selectmen
October 5, 2020
Effective November 30, 2020