

## Sidewalk Safety – A Property Owner’s Responsibility

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Property owners may be responsible for the sidewalks that adjoin their premises depending on local ordinances. A person who is injured due to a hazardous condition of the sidewalk can seek recovery for their damages from those responsible for the maintenance and upkeep.

The following information highlights the common hazards and risk control measures needed to minimize the potential for accidents and the resulting injuries.

### **Develop an Action Plan**

Property owners responsible for public sidewalks need to assess the condition of the walking surface, handrails, changes in level and potential effects of adverse weather. Planned inspection, repair and maintenance are good property management practices. A sample sidewalk safety checklist is included at the end of this bulletin.

When a property owner becomes aware of a condition that needs improvement, he or she should develop an action plan to correct that condition. This may mean removing and re-laying a section of the sidewalk, installing handrails, resurfacing slick areas, arranging for more frequent snow removal, or rerouting pedestrian traffic flow.

In many municipalities, if a property owner is cited by the municipality’s inspectors for an unsafe sidewalk, they will be given a reasonable amount of time to correct the condition. If the owner does not respond, the municipality may arrange for a contractor to make the repair and bill the property owner for the repair. Accidents that occur after such a citation may be difficult to defend since the hazard is known and is a matter of public record.

A municipality may have a list of contractors that they have approved for sidewalk repairs, but the property owner usually has the option to select their own contractor, as long as the work meets the requirements of the municipality.

### **Jurisdiction Considerations**

Most municipalities have ordinances or codes dealing with the maintenance of safe sidewalks, installation of handrails and guardrails, and snow removal. Each property owner should know the requirements of the municipality in which they own property. Likewise, states and counties may have statutory and/or case law that establishes or influences the level of care or specific activities associated with sidewalks. Consulting with an attorney and municipal authorities can help you better understand your obligations and make the appropriate decisions regarding your property and therefore yourself.

### **Creating Awareness**

Property managers and facility maintenance staff should understand the hazards associated with the public use of sidewalks on or adjoining the building’s premises. Being involved in the on-site sidewalk safety inspection and the development of action plans to correct problems is an excellent way to prepare property level managers with the responsibility of managing a commercial property. The review of tenant complaints and any city inspection is also a learning opportunity for all staff members.

### **Conclusion**

Slip, trips, and falls are a major source of premises liability claims for property owners. Maintaining sidewalks is a key opportunity to reduce a large source of liability claims. Efforts to control this exposure can help reduce the potential for injury.

**Note: A Sample Sidewalk Safety Checklist begins on the following page.**

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### Sample Sidewalk Safety Checklist

Location: \_\_\_\_\_

Street Address/Block: \_\_\_\_\_

Surveyed by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Hazards to Check	OK	N/A	Fix	Comments/Action plan
Good drainage, away from entrances and walkways.				
No door stops or projections sticking out of sidewalk.				
Walking surfaces are free of depressions, holes, grates, edges and drop offs greater than ¼ inch.				
Walking areas are free of manhole covers, drain clean outs and raised edges.				
Cellar/vault doors do not deflect more than 1 inch and surface is slip resistant.				
Walking surface is not slippery.				
Signs do not block walks or vision.				
Curb and sidewalk joints are even (not greater than ¼ inch difference).				
Good visual contrast at sidewalk ends, curbs and level changes.				
Down spouts and rain gutters do not discharge directly onto sidewalks.				
Foot traffic is routed away from immovable or temporary hazards.				
Snow and ice are removed promptly.				
Algae, slime, or plant growth/debris is removed.				



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