

## Commercial Property Owners Need a Plan for Snow and Ice

Snow and ice make the months of January through March among the most hazardous for commercial property owners. Having a snow-and-ice removal plan in place or a licensed and insured contractor lined up is essential to protecting against liability. The guidelines set forth in this alert are not hard and fast rules but are recommendations a property owner should consider when tapering a policy to meet the needs of his or her individual property and circumstances.

Property owners who elect to clear snow and ice themselves should do the following:

- Know the snow-and-ice removal laws of the municipality and state in which the property is located.
- Have a written plan detailing, step by step, the procedures to follow on snow and ice removal. Ensure that the plan reflects local and state requirements.
- Follow the plan unflinchingly. Should litigation arise, it will be important to show not only that a plan is in place but also that it is followed consistently and to the letter.

Where resources make it reasonable to do so, property owners may also:

- Document the execution of the plan each time it is used, including the following:
  - *the time snow and/or ice removal began on a particular day*
  - *who performed the removal*
  - *the amount of time spent on removal*
  - *the areas of the property from which snow and/or ice was removed*
- Take pictures after removal is complete. The photographs should be date- and time-stamped if possible. If not, record the date and time on them in some other way.
- Salt the entire property at least three times a day after a major snowstorm, and make routine inspections of the property throughout the day, including at night, salting as needed. After shoveling, runoff from melting snow can form ice on previously shoveled surfaces.

If a business lacks the manpower or equipment to properly execute a snow-and-ice removal plan, hiring an outside contractor is an option. The cost of a contractor is going to be less than a lawsuit.

After deciding to hire a contractor, property owners should do the following:

- Act as early as possible, preferably late summer or early fall, to engage a contractor to ensure that one is in place before the first snowfall.
- Be sure that the contractor is licensed and insured for snow removal.
- Obtain copies of certificates of insurance for general liability, workers' compensation, auto liability, and umbrella liability, and track the policy expiration dates. A contractor's policies should help protect the property owner from litigation.
- Ensure that the contract indemnifies the property owner for potential costs resulting from the contractor's damage to the property, the injury or death of a third party, or the contractor's failure to observe applicable federal, state, and local laws, rules, codes, regulations, and ordinances.

Weber Gallagher's [General Liability Practice Group](#) can assist property owners with preparing or reviewing a snow-and-ice removal plan and any related contracts. Attorneys in the group are experienced in a wide range of general liability matters, including claims involving premises liability and property damage, and are resident in the firm's offices in Delaware, New Jersey, New York, and Pennsylvania. For assistance, contact [Syreeta Peake](#), Partner in the General Liability practice group, at 215.825.7217 or [speake@wglaw.com](mailto:speake@wglaw.com).

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