

Snow Removal Best Practices for Property Owners

Property owners may both contract and self perform snow removal activities.

When performing self snow/ice removal, property owners should consider the following:

- Maintain a snow removal/sidewalk log
- Maintain a complaint log to be completed in the event of an accident
- Have written guidelines which define the areas to be plowed, shoveled or blown (schematics included)
- Make available 24/7 contact information for all tenants.
- Make available a supply of sand and/or salt for emergency situations

When contracting for snow and ice removal, property owners should have a formal risk program in place, which includes a written contract developed by legal counsel. The written contract should include items such as the following:

- A specific term and not refer generally to a seasonal term; (e.g. Oct 1 through May 1)
- A provision stating that the contractor is an independent contractor and is responsible for ensuring that the work is performed in a safe and responsible manner.
- Specified areas to be plowed, shoveled, salted, sanded and blown (schematics recommended and include pictures)
- A specified scope of snow removal services that are to be performed, where they are to be performed, and when
- A provision requiring that a snow log/ sidewalk log be kept by snow removal contractor and their subs, if any
- A provision providing that the contractor agrees to be responsible for any property damage or personal injury caused by the contractor's negligence
- A provision requiring telephone availability 24/7 to address problems that may arise during the term, for example, changes in conditions due to melting snow and ice forming
- A provision that requires the contractor to promptly report any property defects that are identified
- A provision requiring the contractor to maintain a complaint log.
- A valid hold harmless, defense and indemnification provision.
- A requirement that all contractors name you as an additional insured on their general liability and commercial motor vehicle insurance policies for both ongoing operations and completed operations on a primary and non-contributory basis.
- A requirement that any subcontractors hired by the snow removal contractor must utilize contracts with the same requirements as you require of the snow removal contractor.

In addition to a written contract, the following should also be considered:

- An action plan that describes in detail how the contractor is to perform the work
- A diary system in place to track expiration dates for certificates of insurance
- Certificates of insurance should be obtained from contractors, before the job commences, for GL, WC and AL with stated minimum limits of liability, for example:
 - General Liability: \$1,000,000 Occurrence/\$2,000,000 Aggregate
 - Workers Compensation: \$500,000/\$500,000/\$500,000 Employer's Liability

- Auto Liability: \$1,000,000 CSL
- Umbrella Liability: \$1,000,000

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