



HindmanSanchez

Snow Removal Contracts

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To guard against problems and liability, associations need to know the ins and outs of snow removal contracts, what to do when a slip-and-fall occurs and when a frozen pipe breaks. The following guidelines and tips will help associations prepare for the winter season.

Snow removal contracts: Your snow removal contracts should:

- Have a specific term (starting and ending dates).
- Define specific areas to be plowed, shoveled and blown (use map).
- Define when snow removal services are expected (number of inches of Accumulation and exact location on a map).
- Require association be named as an additional insured on contractor's policy.
- Require that a snow log be kept.
- Require telephone availability 24 hours a day to address problems with melting snow and ice forming as this often is the greatest cause of problems. Your snow removal plan and contract should also be reviewed by your association's attorney prior to approval.
- Require the contractor to be responsible for any property damage caused by contractor's negligence.

For more information on contracts visit our website.

Slip-and-falls. When your Association is notified that someone has fallen, you should:

- Notify your insurance carrier in writing immediately even if there appears to be no injury.
- Document the specifics of the incident such as (a) the name of the person who fell, (b) date and time, (c) exact location, (d) names and addresses of witnesses, (e) extent of injuries, (f) how the slip-and-fall occurred, (g) specific weather conditions, (h) lighting, (i) last snow fall, (j) amounts of snow, (k) last time the area was shoveled or plowed, etc.
- Photograph the location and the injured party, if possible.
- Obtain snow removal log from your contractor.
- Do not apologize to the injured party or otherwise admit liability.
- Do not speak with anyone representing the injured party.
- Notify your association's attorney and insurance agent.

Associations are not always liable for injuries sustained from a fall. The Association is liable only if it has breached its duty of care. The law imposes different duties as set out below depending upon who is injured.

Injured Party	Association Liable If Injury Caused By:
Invitee (vendors, manager).	Lack of care of known dangers
Licensee (renters, guests of owners)	Lack of care/Failure to warn of known dangers
Trespasser	Willful or deliberate act of association
Owners	Failure to comply with governing documents

In carrying out its duty to owners, the association must do so in a prudent and informed manner, in good faith and with the best interests of the association.

Frozen pipes. When a pipe breaks the Association should take appropriate action to immediately stop the flow of water, take action to mitigate further damage and notify its insurance company. It is of utmost importance to determine and investigate the cause of a leak as soon as possible. Do not undertake repairs until it has been established that the association is indeed responsible for making those repairs. The ultimate responsibility for payment of mitigation and repair expenses depends on who is responsible for the cause of the pipe break. Review of your governing documents and the assistance of your attorney and insurance agent may be necessary. In addition, the existence of a maintenance and insurance chart will help determine who is responsible for specific repairs.