

Illinois Snow Shoveling Ordinances & Laws

Frequently Asked Questions and Best Practices

During the winter months in Illinois, the accumulation of snow and ice on sidewalks creates a major barrier for people walking, especially older adults, children, and people with disabilities.

Many municipalities have reached out with concerns and questions about snow removal. Should their residents be concerned about snow removal liability? How can a municipality best protect residents and keep sidewalks clear?

The Active Transportation Alliance worked with the law firm Morgan Lewis, who generously provided pro-bono assistance, to help answer these and many other commonly asked questions about snow shoveling laws and liability. Please contact Maggie Czerwinski at Maggie@activetrans.org with any additional questions.

What does the state's law say about snow removal?

In 1979, the Illinois General Assembly adopted the Snow and Ice Removal Act. The state law is meant to encourage residential owners to clear ice and snow from their property and limit individual liability:

“Any owner, lessor, occupant or other person in charge of any residential property, or any agent of or other person engaged by any such party, who removes or attempts to remove snow or ice from sidewalks abutting the property shall not be liable for any personal injuries allegedly caused by the snowy or icy condition of the sidewalk resulting from his or her acts or omissions unless the alleged misconduct was willful or wanton.” 745 Ill. Comp. Stat. 75/2.

What is meant by “willful and wanton” misconduct?

Since the law was enacted, court decisions have provided guidance on the meaning of “willful and wanton”. It is considered to mean more than negligence; “willful and wanton” conduct requires either intentionally trying to harm others with how one clears the sidewalk or taking actions so obviously harm-inducing that an individual must have known it would cause harm if they thought about it.

Could an individual still be held liable after shoveling snow on their property?

In general, “willful and wanton” misconduct is a tough standard to satisfy and provides significant protection for individuals who shovel their sidewalks. Citizens should feel confident that if they shovel their sidewalk, they won't be liable for how they shovel unless they are trying to hurt others or it is exceedingly obvious they are creating some unique danger.

What actions can municipalities take to keep residents safe?

Some communities including the Villages of Lake Forest, Glencoe and Winnetka are able to provide sidewalk snow removal for residents along part or all of their municipal streets. This requires budgeted staff time and the purchase of special sidewalk snow removal equipment.

While a municipal-run snow removal program is ideal, for cities and village who do not have the means to shovel sidewalks themselves, the Active Transportation Alliance recommends municipalities adopt a local snow shoveling ordinance to encourage the clearing of sidewalks by residents and businesses. By creating guidance for individuals to follow in the event of snowfall, a municipality is further helping protect their residents from liability.

What should be included in a snow shoveling ordinance?

Municipal code should include guidance on how to maintain sidewalks adjacent to their properties during and after a snow event in a timely manner. A snow shoveling ordinance should ideally answer the following questions:

- Who is responsible for the snow clearance?
- When does snow removal need to occur and under what conditions?
- How much snow needs to be removed?
- What other steps should be taken to ensure a clear sidewalk, such as salting or sanding?

The City of Evanston's municipal code, for example, instructs property owners to clear a 3-foot path on sidewalks within 24 hours after snowfall accumulation of 4 inches or more. The use of sand or salt to remove ice is also encouraged. [Evanston's code](#) provides an excellent example of a snow removal ordinance that other communities could adopt. For communities concerned that residents will not clear sidewalks out of a fear of liability, an ordinance can be written as a guide or recommendation (e.g. using 'should' language) rather than as a requirement (e.g. using 'must' or 'shall').

Providing tips or educational material on what is expected of property owners is also recommended. See the [City of Chicago's Sidewalk Snow Removal pamphlet](#) as a guide.

What if someone is unable to shovel snow on their property?

Developing a snow shoveling assistance program can help people with disabilities, older adults, and others who need assistance with snow clearance.

Other communities have issued a call for volunteers or coordinated with local Boy Scout, Girl Scout, or high school clubs in need of volunteer hours to remove snow from the sidewalks of older adults or those with disabilities. See the [City of Evanston's](#) and [City of Aurora's](#) Volunteer Snow Shoveling Programs as examples.