ORDINANCE NO. 2013-1

Haven Township
Sherburne County, Minnesota

ORDINANCE ESTABLISHING A SNOW AND ICE CONTROL POLICY

The Town Board ("Board") of Haven Township ("Town") is the road authority and provides maintenance for approximately 28 miles of road in the Town. The Board, as the road authority, provides for snow and ice control on the town roads it has designated to receive winter maintenance. The Board secures its snow and ice control services through contract with an independent contractor ("Contractor"). Various types of accidental damage to private property may occur during snow and ice control activities.

The Board determines it is in the best interest of the Town to develop a policy to set out how snow and ice control activities will be conducted on town roads considering the Town's limited resources and in light of the hazards of both undertaking and not undertaking snow and ice control activities.

Any Contractor performing snow or ice control services for the Town shall follow this ordinance.

The Board hereby ordains the following as the snow and ice control policy for the Town:

I. POLICY CONSIDERATIONS

In developing this policy for how to best undertake snow and ice control activities in the Town, the Board has balanced a number of factors including, but not limited to, the following: public safety; the amount of funds available for these activities; maintaining an efficient transportation system; enabling the delivery of emergency services; avoiding damage to Town property and private property; and the cost effective allocation of resources. A further explanation of some of these policy considerations follows:

A. **Budgetary:** The funds the Town has available for snow and ice control are derived from two sources. The first is the town road and bridge tax levy that is set by the town electors at the annual town meeting held in March. The second source of funds comes from the gas tax imposed and collected by the state, a small portion of which is distributed to towns to help maintain their roads. The Board has no direct control over either source of funding. A proposed levy is submitted to the town electors at the annual town meeting, but the actual amount of the Town's road & bridge levy is determined solely by a vote of the electors.

B. **Contract for Services:** The Board also contracts with an independent contractor for snow and ice control. Because the Town obtains snow and ice control services through a non- exclusive contract, it does not have direct control over the availability of personnel, equipment, or the timing of the service delivery. The

Town indicates through this policy and the service contract the work to be performed and the performance expectations, but the contractor must remain free to exercise initiative, judgment, and discretion in how best to perform or provide the services.

C. **Safety, Equipment Damage, & Effectiveness:** Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of operators or pose an unreasonably risk of damaging equipment. Once initiated, operations will be suspended if conditions deteriorate to the point that operations become unsafe for operators because of factors including, but not limited to, severe cold, significant winds, limited visibility, accumulation of ice, or rapid accumulation of snow. Operations will also be delayed or suspended if existing or anticipated conditions indicate the operations will not be effective.

D. **Work Schedule for Snowplow Operators:** Except in emergencies, snowplow operators shall not work more than twelve hour shifts and shall not operate equipment for more than ten hours during a shift.

E. **Environmental Protection:** Because the Town is concerned about the potential negative environmental effects of the use of salt and sand it will minimize their use. When possible and financially practicable, salt and sand with salt will be stored in a manner to minimize run-off.

II. TOWN ROADS THAT ARE NOT SNOWPLOWED

Except as listed below, all road in the Township are snow plowed.

A. **Unplowed Roads:** Portions of the following town roads are normally not snowplowed by the Town: 42nd Avenue SE lying west of CSAH 8, 54th Street SE between 63rd Avenue SE and the west side of the bridge, and from the east side of the bridge to the first driveway.

B. **Special Circumstances:** An owner of property adjacent to a road or road portion listed above that the Board has determined not to snowplow during winter months may request the Board to snowplow the road in emergencies or if special circumstances exist. The Board will consider each such request and determine if it has the sufficient resources to accommodate it.

III. TOWN ROAD SNOWPLOWING PRIORITIES

In order to provide for the most efficient and cost-effective snowplowing as possible given the Town's limited resources, the Board defers to the Contractor depending upon the Contractor's location when plowing becomes necessary. If law enforcement requests snow removal to assist emergency vehicles to respond to an emergency situation, reasonable efforts will be made to accommodate the request.

IV. WHEN SNOWPLOWING BEGINS

The following criteria shall be considered when determining when to begin snow and ice control operations:

A. An evaluation of the immediate and anticipated weather conditions.

B. The likely effectiveness of operations.

C. Safety of employees.

D. If an unreasonable risk of damaging equipment exists.

E. Snow accumulation of three inches or more.

F. Sever icy conditions that seriously affect travel.

G. Time of snowfall in relationship to heavy use of the roads.

Snow and ice control operations are expensive and involve the use of limited resources. Consequently, operations will normally not begin until the snow has stopped falling or until at least three inches of snow has accumulated.

V. WHEN SNOWPLOWING WILL BE DELAYED OR SUSPENDED

As stated in the policy considerations above, snow and ice control operations will be delayed or suspended if the safety of operators is at risk, conditions pose an unreasonable risk of damaging equipment, or if operations will not be effective because of existing or anticipated conditions.

A. **Town Roads Closed in Snow Emergencies:** In snow emergencies the Board will close and barricade roads at it deems necessary to respond to the emergency. The Board will determine when to reopen each road that was closed based on need and condition of the road as well as on the availability of funds, personnel and equipment.

VI. HOW SNOW WILL BE PLOWED

Snow will be plowed in a manner as to minimize traffic obstructions. Snow will normally be plowed from the center of the road first. Then snow will be pushed from left to right until at least the main traveled portion of the road has been cleared. On narrow roads, snow may be plowed from one side to the other. Snow will normally be discharged to the sides of the road. Because of limited resources and restrictions on the use of salt, blacktopped roads may not be cleared down to bare blacktop.

In the event of equipment failure, extreme snowfall, or other unanticipated events including the availability or need to rest snowplow crews, deviation from these standards may be appropriate.

Snow will be plowed as close as practicable to mailboxes located in the road right-of-way. It shall be the responsibility of property owners to clear snow from around their mailboxes to enable mail delivery. Any damages to mailboxes or other private property due to snow thrown from plows shall be the sole responsibility of the property owner and the Town shall have not liability for such damages. Because snow and ice control operations are performed by independent contractors, the Town shall not be responsible for damages caused by the contractor to mailboxes, lawn sprinklers, utility structures, sod, landscaping materials, vegetation, or other personal or real property. Complaints regarding damage to property must be made to the contractor.

Snowplowing unavoidably results in snow being deposited on driveways and approaches. Because the Town does not have the resources available to it to clear the ends of driveways and approaches, it is the responsibility of land owners to remove snow from their driveways and approaches.

VII. SANDING AND SALTING

The Town must consider the cost, environmental impact and public safety when determining the appropriateness of applying sand and salt. Furthermore, the state legislature has imposed the following limitations on the use of salt by road authorities:

"In order to:

(1) minimize the harmful or corrosive effects of salt or other chemicals upon vehicles, roadways, and vegetation;

(2) reduce the pollution of waters; and

(3) reduce the driving hazards resulting from chemicals on windshields;

road authorities, including road authorities of cities, responsible for the maintenance of highways or streets during periods when snow and ice are prevalent, shall utilize such salt or other chemicals only at such places as upon hills, at intersections, or upon high speed or arterial roadways where vehicle traction is particularly critical, and only if, in the opinion of the road authorities, removal of snow and ice or reduction of hazardous conditions by blading, plowing, sanding, including chemicals needed for free flow of sand, or natural elements cannot be accomplished within a reasonable time." Minn. Stat. § 160.215.

VIII. SNOWPLOWING OF PRIVATE PROPERTY

The Town will not provide for the snowplowing or sanding of private property except when requested to do so by law enforcement to provide access for emergency vehicles responding to an emergency. If private property is used with permission of the owner to turn

around equipment or to store snow, the Town may snowplow the private property as needed to accommodate the Town's use of the land.

IX. DEPOSITING SNOW IN PUBLIC RIGHTS-OF-WAY

It is unlawful for anyone to deposit any snow or ice in a public road right-of-way or to otherwise obstruct a public road. Minn. Stat. §§ 160.27, subd. 5(a)(1); 169.42, subd. 1. Depositing snow or ice in a road also increases snowplowing costs, creates a potential public safety hazard, and could damage equipment.

X. REVIEW OF POLICY

The Board will periodically review this policy, taking into consideration any changing conditions in the Town's circumstances, any complaints or comments received, and the experienced learned from undertaking snow and ice control procedures.

XI. REPEAL OF ORDINANCE 96-200

Haven Township Ordinance No. 96-200 is repealed upon enactment and publication of this Ordinance.

Adopted this 25 day of February, 2013.

Yes 5
No 0

HAVEN TOWN BOARD

By _____
Jeff Schlingmann,
Its Chairperson

ATTEST:

By _____
Michael Zniewski,
Its Clerk