

ORDINANCE NO. 252

SNOWPLOWING, SNOW REMOVAL AND WINTER PARKING ORDINANCE

SECTION 1. SNOWPLOWING POLICY:

1.1 The City Council of the City of Braham, State of Minnesota, in the interest of public safety and convenience, and under the authority of Minnesota Statute Chapter 169, hereby ordains that the City of Braham believes that it is in the best interest of the residents for the City to assume basic responsibility for control of snow and ice on city streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The City will attempt to provide such control in a safe and cost-effective manner, keeping in mind safety, budget, personnel and environmental concerns, The City will use city employees, equipment and/or private contractors to provide this service. No general policy can anticipate every situation or contingency and the city officials identified herein are expected and authorized by the City Council to exercise discretion in the performance of their duties and to deviate from the policies established herein in specific situations where in their professional judgment the public health, welfare and safety warrants a deviation from the adopted policy.

For purposes of this Ordinance, the following is the City of Braham Snowplowing Policy:

1.2 Commencement of Operations:

The Street Superintendent will decide when to begin snow or ice control operations. The criteria for that decision are:

- A. Snow accumulation of 3 inches or more;
- B. Drifting of snow that causes problems for travel;
- C. Icy conditions which seriously affect travel; and/or
- D. Time of snowfall in relationship to heavy use of streets.

Snow and ice control operations are expensive and involve the use of essential personnel and equipment. Consequently, snowplowing operations will not generally be conducted for snowfall of less than 3 inches.

1.3 Method of Plowing.

The City will attempt to plow the snow in a manner so as to minimize any traffic obstructions. The City will attempt to plow the center of the roadway first. The City shall then attempt to push the snow from left to right. The discharge shall go onto the boulevard area of the street. In times of extreme snowfall, streets will not always immediately be able to be completely cleared of snow.

1.4 Snow Removal.

The Street Superintendent will determine when snow will be removed by truck from the area. The City will attempt to remove snow in the downtown areas and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will generally not commence until other snowplowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel and budget availability. The removed snow will be hauled to a snow storage area. The City will attempt to haul the removed snow to a snow storage area with minimal resulting environmental problems.

1.5 Snowplowing Priority.

The City will attempt to plow City streets based on the street function, traffic volume, and importance to the welfare of the community, with the following order of priority:

- A. High volume streets and roads which provide access for emergency fire, police and medical services.
- B. Streets providing access to schools and commercial businesses.
- C. Streets in low volume residential areas.
- D. Alleys and City parking lots.

1.6 Work Schedule for Snowplow Operators.

Snowplow operators will be expected to work 8-hour shifts, if possible. In severe snow emergencies, operators sometimes have to work in excess of 8-hour shifts. However, because of budget and safety concerns, the City will attempt to limit the operators to no more than a 12-hour shift in any 24-hour period. Operators may take a 15-minute break every 2 hours with a half hour meal break after 4 hours. The City will attempt to relieve an operator after a 12-hour shift, if additional qualified personnel are available.

1.7 Weather Conditions.

The City shall attempt to conduct snow and ice control operations only when weather conditions do not endanger the safety of City employees and equipment. Factors that may delay snow and ice control operations include: severe cold, significant winds and limited visibility.

1.8 Use of Sand, Salt and Other Chemicals.

The City will attempt to sand and salt at intersections and curves, when necessary.

SECTION 2. SNOW AND ICE REMOVAL FROM SIDEWALKS:

2.1 It shall be the duty of the owner or occupant of property fronting on any sidewalk within the City of Braham to keep the sidewalk on which their property fronts clear of snow and ice, and to remove all snow within 24 hours after each snowfall. In case of failure to remove snow and ice as above specified, the City may remove the snow and ice, and the costs thereof assessed against the property.

2.2 When possible and as a public courtesy, the City will attempt to remove snow from the

business area sidewalks, portions of West Central Drive, and portions of 2nd Street Southwest, that have heavy pedestrian traffic. This does not in any way remove the responsibility from the property owner or occupant as provided for in the above SECTION 2, Paragraph 2.1.

2.3 It is strictly prohibited for any residential property owner or occupant to put snow onto a City street or onto City property.

SECTION 3. OVERNIGHT PARKING REGULATIONS:

3.1 From November 1 to April 1, it shall be unlawful for any person to park a motor vehicle, or any owner to permit a motor vehicle be parked on any street or public way in the City of Braham between the hours of 2 o'clock a.m. and 7 o'clock a.m.

3.2 The owner of any motor vehicle found violating the regulations of this Section shall be cited \$10.00 and the vehicle may be immediately removed and impounded by any police officer or person designated by the Council. The vehicle shall be surrendered only to the duly identified owner or representative thereof and upon payment of the cost of towing and storage. Any damage occasioned to any such vehicles by such towing operations shall be the responsibility of the owner or operator thereof, and no liability for damages shall be imposed against, nor shall any damage be assumed by the City of Braham.

3.3 The removal of the violating vehicles does not preclude prosecution for violation of this Ordinance.

Whenever the Police Department or its authorized agent has impounded a vehicle described in this Ordinance, notice of such removal and the storage place of such vehicle shall be mailed to the last registered owner of said vehicle, within ten (10) days, if name and address of such owner can be ascertained with reasonable diligence. Such Notice shall:

A. Set forth the date and place of the taking, year, make, model and serial number of the subject motor vehicle if such information can be reasonably obtained and the place where the vehicle is held; and

B. Inform the owner and any lien holders of their right to reclaim the vehicle as provided herein; and

C. State the failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all the right, title and interest in the vehicle and contents and consent to the sale of the vehicle and contents at a public auction authorized by this Ordinance.

The Notice shall be sent by mail to the registered owner, if any, of the subject motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the Notice shall be published once in the newspaper of general circulation in the area where the motor vehicle was seized. Published notices may be grouped together for convenience and economy.

The owner or any lien holder or a motor vehicle seized pursuant to this Ordinance shall have the right to reclaim such vehicle from the City of Braham upon payment set forth herein within fifteen (15) days after the date of the Notice of the taking of said motor vehicle.

If a motor vehicle seized pursuant to this Ordinance is not claimed, it shall be sold at public auction as provided by Minnesota Statute 168B.08, as amended (1973).

SECTION 4. PENALTY:

4.1 As to Section 2 and Section 3 herein above, any offender repeatedly violating the provisions of this ordinance may be charged with a petty misdemeanor, and upon conviction thereof shall be subject to a fine of up to \$200.

SECTION 5. REPEALED ORDINANCES:

5.1 The following Ordinances are hereby repealed:

Ord. No. 16 Removal of Snow from Sidewalks	Dated Jan. 6, 1906
Ord. No. 28 Removal of Snow, Ice and Rubbish from Sidewalks	Dated Dec. 12, 1921
Ord. No. 84 Regulating Traffic and Providing for Parking...	Dated Nov. 1, 1976
Ord. No. 93 Amending Ord. 84 Regulating Traffic...	Dated Jan. 7, 1980
Ord. No. 145 Snowplowing Ordinance	Dated Oct. 4, 1993
Ord. No. 161 Regarding Snowplowing	Dated Dec. 2, 1996
Ord. No. 162 Regulating Traffic and Providing for Parking...	Dated Dec. 2, 1996
Ord. No. 202 Regarding Snowplowing and Snow Removal	Dated March 5, 2001

SECTION 6. EFFECTIVE DATE:

6.1 This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. SUMMARY FOR PUBLICATION:

The City Council hereby determines that the following summary clearly informs the public of the intent and effect of this ordinance and by a four-fifths vote of its members directs that only the title of the ordinance and the following summary be published pursuant to Minn. Stat. 412.191, Subd. 4:

CITY OF BRAHAM
ORDINANCE NO. 252

AN ORDINANCE RELATING TO SNOW PLOWING,

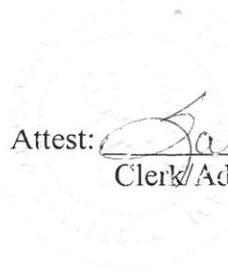
SNOW REMOVAL AND WINTER PARKING RESTRICTIONS
WITHIN THE CITY OF BRAHAM

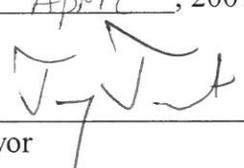
Ordinance Number 252 refers to the City of Braham's Snow Plowing and Snow Removal Policy, regulates overnight parking of vehicles within the City from November 1 to April 1, and provides for the penalty for violations, effective immediately.

A printed copy of the full text of the ordinance is available for inspection by any person at the Braham City Hall.

Adopted by the Braham City Council this 3rd day of April, 2007.

Attest:


Sally A. Hoy
Clerk/Administrator



Mayor