

ORDINANCE NO. 280

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.

This policy does not relieve the operator of private vehicles. Pedestrians, property owners, residents and all others that may be using public streets, of their responsibility to act in a reasonable, prudent and cautious manner, given the prevailing street conditions.

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 limited 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, areas where there is no room on the boulevard for snow storage, 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.

During significant and severe storms, the City must be prepared to move personnel and equipment to maintain priority routes first. In fulfilling the need to have all priority streets safe and passable, when resources are limited, plowing of all other streets may be stopped at any time so resources can be shifted to priority routes.

Unforeseeable circumstances may cause delays in completing assigned plow routes. Such circumstances may include weather conditions that endanger the safety of snowplow operators and/or safe and effective operation of equipment, commuter traffic, disabled vehicles, poor visibility conditions, parked cars along streets, assistance to emergency response vehicles, equipment breakdown, and personnel shortages.

1.6 Work Schedule for Snowplow Operators.

Snowplow operators will be expected to work their assigned shifts. In severe snow emergencies, operators sometimes have to work longer shifts, but will be paid overtime for hours in excess of 40 hours per week. However, because of budget and safety concerns, no operator shall work more than a twelve-hour shift in any twenty-four period. While work breaks are not guaranteed, general operators will take breaks in accordance with City policy, provided the breaks do not interfere with City services or operations. In addition, operators will be allowed sufficient time to eat a meal during any shift which is eight or more hours. After a twelve-hour shift, the operators will be replaced if additional qualified personnel are available.

1.7 Traffic Regulations

The City recognizes that snowplow operators are exempt from traffic regulations set forth in Minnesota Statutes, Chapter 169 while actually engaged in work on streets, except for regulations related to driving while impaired and the safety of school children. Pursuant to this authority, snowplow operators engaged in snow removal or ice control on City streets have discretion to disregard traffic laws set forth in Chapter 169, except for laws relating to impaired driving and school children safety, when in their judgment, it is safe to disregard such laws. The privileges granted herein to operators of snow removal and ice control vehicles shall apply only if the vehicle is equipped with one lighted lamp displaying a flashing, oscillating, or rotating amber light placed in such a position on the vehicle as to be visible throughout an arc of 360 degrees.

1.8 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.

1.9 Use of Sand, Salt and Other Chemicals.

The City will attempt to sand, salt, and other chemicals when there are hazardous ice or slippery conditions. The City is concerned about the effect of such chemicals on the environment and will limit its use for that reason.

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. This includes any snow plowed from public streets onto the sidewalk. 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 within the City's street right of way, which includes the boulevard, in the City of Braham between the hours of 2 o'clock a.m. and 7 o'clock a.m.

3.2 Before and after the November 1 to April 1 parking restriction, 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 within the City's street right-of-way, which includes the boulevard, at any time between the hours of 2 o'clock a.m. and 7 o'clock a.m. when there is an average of 2 or more inches of snow on the City streets.

3.3 The owner of any motor vehicle found violating the regulations of this Section may be cited \$25 for the first offense, \$50 for the second offense, and \$100 for the third offense and every offense thereafter within the same winter season, 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.

3.4 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 of 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. MAILBOXES:

Damage to a mailbox is a risk that snowplow operators face during their winter plowing requirement. The City will conduct a review of each mailbox damage claim to determine whether the City has any legal responsibility for the damage, and, if so, to replace or provide reimbursement for the mailbox. If the City, in its discretion, determines that reimbursement or replacement is appropriate, the City may:

1. At the mailbox owner's request, replace the mailbox with a standard size, non-decorative metal mailbox and replace the support post as necessary with a 4" x 4", decay resistance wood support post, both which will be installed by the City;
2. Provide reimbursement in a reasonable amount for the mailbox and support posts that meet the City's ordinance standards, as well as state and federal requirements for mailbox size, support and placement.

SECTION 5. COMPLAINT PROCEDURE:

Complaints will be recorded on telephone logs. Calls requiring service will be transferred to a work request and forwarded to the appropriate supervisor for scheduling. Emergency complaints will be handled in an expeditious manner as resources are available.

SECTION 6. DEVIATION FROM POLICY:

The Superintendent of Streets may deviate from this policy when in his or her judgment it is in the best interest of the City or is necessary because of budget needs or other circumstances. Changes in priorities (lasting more than 4 hours) will be documented as to what caused such actions, why the change was necessary, and for how long the change is to be effect. Those City employees and/or contractors affected will be notified immediately by radio or cell phone of such changes with all communication logged. Information logged will include the time and date of communication, name of employee contacted, and how they were contacted. Any changes of priorities lasting more than 24 hours should be made in a written record and the public should be informed of such changes through the normal methods used by the City for emergency notifications.

SECTION 7. REVIEW AND MODIFICATION OF POLICY:

The City shall keep on file all comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

SECTION 8. PENALTY:

8.1 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 9. REPEALED ORDINANCES:

9.1 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
Ord. No. 252 Snowplowing, Snow Removal and Winter Parking Ord.	Dated April 3, 2007

SECTION 10. EFFECTIVE DATE:

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

Adopted by the Braham City Council this ____ day of _____, 2019

Mayor

Attest: _____
Clerk/Administrator