

## **RESOLUTION #19-016**

**Spring Lake Township, Scott County, Minnesota**

### **A RESOLUTION RESTATING THE TOWN SNOW AND ICE CONTROL POLICY**

**WHEREAS**, the Town Board (“Board”) of Spring Lake Township (“Town”) is the road authority and provides maintenance for its town roads;

**WHEREAS**, the Board, as the road authority, provides for snow and ice control on the town roads;

**WHEREAS**, the Board secures its snow and ice control services through contract with an independent contractor (“Contractor”);

**WHEREAS**, 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;

**WHEREAS**, the Board has previously adopted a Snow and Ice Control Policy on February 12, 2009, and amended the same on April 9, 2009 (the “Existing Policy”).

**WHEREAS**, the Board has determined to update the Existing Policy, and amend and restate the same as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby adopts the following as the snow and ice control policy for the Town, superseding and replacing in its entirety, the Existing Policy;

**BE IT FURTHER RESOLVED**, that any Contractor performing snow or ice control services for the Town shall follow this policy.

#### **I. POLICY CONSIDERATIONS**

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

1. **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.
2. **Contract for Services**: The Board 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.
3. **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.
4. **Environmental Protection**: The Town is concerned about the potential effects of road salt on the environment and, wherever possible, will take reasonable steps to minimize its use. Where available and financially reasonable, storage of road salt or salt/sand mix will be in such a manner as to minimize or prevent run-off. Additionally, in the event that snow containing road salt needs to be hauled for removal, every reasonable effort will be made to deposit the snow in a manner that minimizes or prevents runoff into public waters or other environmentally sensitive areas.

## **II. TOWN ROADS THAT ARE SNOWPLOWED**

Unless closed because of a snow emergency, all town roads are normally snowplowed by the Town.

## **III. TOWN ROAD SNOWPLOWING PRIORITIES**

In order to provide for the most efficient and effective snowplowing as possible given the Town's limited resources, the independent contractor will work with the Board to

determine the snow plowing route. During heavy snow events main through roads may be plowed initially before plowing begins on the regular snow plowing route.

#### **IV. EMERGENCY RESPONSE VEHICLE ASSISTANCE**

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.

#### **V. WHEN SNOWPLOWING BEGINS**

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

- An evaluation of the immediate and anticipated weather conditions.
- The likely effectiveness of operations.
- Safety of employees.
- If an unreasonable risk of damaging equipment exists.
- Amount of snow accumulation and/or drifting.
- Sever icy conditions that seriously affect travel.
- 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 commence only when necessary or appropriate.

#### **VI. 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.

#### **VII. 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. Snow will normally be discharged to the sides of the road unless it is determined that the snow should be hauled to another location for storage. Because of limited resources and restrictions on the use of salt, blacktopped roads will not usually 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.

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.

### **VIII. SANDING, SALTING, AND CHIPPING**

The Town must consider the cost, environmental impact, public safety, and availability of staff and equipment when deciding if, when, and to what extent to apply sand and salt to paved roads or chip to gravel roads. 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.

To the extent sand and salt is applied to paved roads or chip is applied to gravel roads, priority will be given to the following areas in the order listed:

- Hills, controlled intersections, bridges, and curves.
- Major arterial and collector streets.
- School zones.
- Bus routes.
- Commercial areas.
- Residential areas.
- Rural areas.

## **IX. 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.

## **X. 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. §§ 160.2715, 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.

## **XI. OBJECTS WITHIN TOWN ROAD RIGHTS-OF-WAY**

Public road rights-of-way are used for a variety of purposes that are outside of the direct control of the Town. Neither the Town nor the independent contractor shall be responsible for damages caused by the contractor to lawn sprinklers, utility structures, sod, landscaping materials, vegetation, or other personal or real property located in the road right-of-way in violation of Town ordinances. Complaints regarding damage to property should be reported to the Town.

1. Sod and Landscaping. The Township assumes no responsibility for damages from snow or ice control operations to sod, trees, or other landscaping materials or vegetation.
2. Lawn Sprinklers, Lighting and Personal Property. The Township assumes no responsibility for damage to above ground or underground lawn sprinkling systems, exterior lighting systems, or other items of personal property located in a road right-of-way whether by direct or indirect contact with snow or ice control equipment.
3. Utility Structures. The Township will only be responsible for damage to utility pedestals, transformers, or other utility structure within the road right-of-way that result from direct contact with snow and ice removal equipment, provided the structure was marked with a minimum 5 foot identification marker. Township liability will be limited to the actual costs to repair the damages as documented by invoices submitted to the Township by the utility company.
4. Clearing Snow Around Items Left in Road. It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trash cans, and other items of personal property in order to facilitate the proper snow and ice control operations. If an owner fails to keep the road clear of personal property, the owner becomes responsible for promptly clearing the snow left in the road right-of-way around the item. If the Board determines personal property left in the road right-of-way poses an unreasonable risk to

public safety, or significantly interferes with snowplowing operations, it will have the item removed from the right-of-way at the owner's expense.

5. Damage by Contractors. The Township shall not be responsible for any damage or injuries caused by independent contractors performing snow or ice control operations for the Township.
  
6. Other Objects in Roadway. It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trash cans, and other items of personal property in order to facilitate the proper snow and ice control operations. If an owner fails to keep the road right-of-way clear of personal property, the owner becomes responsible for promptly clearing the snow left in the right-of-way around the item. If the Board determines personal property left in the road right-of-way poses an unreasonable risk to public safety, or significantly interferes with snowplowing operations, it will have the item removed from the right-of-way at the owner's expense. While reasonable efforts will be made to avoid damaging private property, snow and ice control operations may result in damage to the property of others and except with respect to mailboxes as set forth in XII below, private property owners bear the risk of damage to their property in the rights-of-way.

## **XII. DAMAGE TO MAILBOXES**

While the installation of mailboxes on Township right-of-way is permitted, the mailbox owner assumes all risk of damage except where a mailbox is damaged through direct contact by snow removal vehicles. If a mailbox is damaged due to indirect contact, including the force of snow generated by the snow removal vehicle, the Township assumes no responsibility. Homeowners in this climate must utilize mailboxes able to withstand the force of a snow windrow off the end of a snowplow. In the event of damage to a mailbox due to direct contact from a snowplow, the owner of the mailbox must contact the Town Clerk within 72 hours of the actual event of damage, in order for the Town to consider any reimbursement. The Town Clerk may be contacted at 952-492-7030, or by visiting the Township offices. Claims made later than 72 hours after the actual event of damage shall be denied. The foregoing limitations apply to both individual mailboxes and Cluster Mailboxes as defined herein.

### **A. INDIVIDUAL MAILBOXES**

If a mailbox other than a Cluster Mailbox as defined below is damaged by direct contact with the plow during snow removal operations, as determined by examination by a Board member and plow company, the Town will compensate the property owner by either of the following options, at the property owner's discretion:

- 1) The Town will replace the damaged post and/or damaged mailbox with a standard Scott County breakaway post kit and/or standard steel mailbox, or
- 2) The Town will issue a check to the property owner in an amount equal to the cost of purchasing a breakaway post kit from Scott County and/or a standard steel mailbox.

If the property owner chooses not to have a breakaway mailbox installed, the Township will not compensate the owner for any subsequent damage to his/her mailbox.

**B. CLUSTER MAILBOXES**

“Cluster Mailboxes” shall mean a centralized unit of locked compartments for delivery and collection of mail where the mail for more than one dwelling or address is delivered into the same structure. If a Cluster Mailbox is damaged by direct contact with the plow during snow removal operations, as determined by examination by a Board member and plow company, the Town will compensate the property owners affected as follows:

- 1) the Town will pay up to the lesser of the amount to replace the “cluster mailbox” of the same style or the actual value of damage from direct plow contact for damage to a single Cluster Mailbox. For purposes hereof, a single Cluster Mailbox means one unified structure containing a number of individual compartments for placement of mail, and does not mean each individual compartment or affected homeowner.

**XIII. COMPLAINTS AND REQUESTS FOR FURTHER SERVICES**

Complaints and requests for further services regarding snow and ice control or damage will be taken during normal working hours and handled in accordance with Town procedures. Complaints and requests for further services should be directed to the Board. If the contractor is aware of complaints or requests for additional services, it shall forward such complaints or requests to the Board for consideration.

**XIV. 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 with respect to snow and ice control procedures.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY THE TOWN BOARD

ATTEST

\_\_\_\_\_  
Town Board Chair

\_\_\_\_\_  
Town Clerk