



RESOLUTION ESTABLISHING A SNOW AND ICE CONTROL POLICY

WHEREAS, the Town Board (“Board”) of Empire Township (“Town”) is the road authority and provides maintenance for approximately 25.06 miles of road in the Town;

WHEREAS, the Board, as the road authority, provides for snow and ice control on the town roads it has designated to receive winter maintenance;

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 limited maintenance budget, personnel, and equipment available in the town;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts 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 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 number and availability of town personnel to engage in these activities; the safety of town personnel; the wish to maintain an efficient transportation system; enable the delivery of 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. **Personnel & Equipment**: The Town typically has [1 full-time and 1 part-time] Town employees available to carry out snow and ice control activities. One of the full-time Town employees is designated the *road superintendent*.

The Town owns and has available the following items of equipment for snow and ice control:

- *1991 International Model 4900 Truck and Plow*

The Board also contracts with independent contractors on an [(*as-needed*) or (*regular*)] basis for the following services and/or equipment:

- Brauns Turf Farm

The number and availability of Town personnel and equipment may change over time. These changes may be temporary such as when personnel leave and replacements are hired or while equipment is down for repair, or permanently for budgetary or other reasons.

3. **Safety, Equipment Damage, & Effectiveness:** Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of employees 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 employees 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. Any decision to delay or suspend operations shall be made by the [*road superintendent*] based upon the actual and anticipated weather conditions.
4. **Work Schedule for Snowplow Operators:** Snowplow operators will be expected to work [*ten*] hour shifts. In sever snow emergencies, operators sometime will need to work in excess of [*ten*] hour shifts. However, because of budget and safety concerns, no operator should work more than a [*twelve*] hour shift in any twenty-four hour period. Operators will take a fifteen-minute break every two hours with a half-hour meal break after four hours. After a twelve-hour day, the operators will be replaced if additional qualified personnel are available.
5. **Environmental Protection:** Because the Town is concerned about the potential negative environmental effects of the use of salt it will minimize its use. When possible and financially practicable, salt and sand with salt will be stored in a manner to minimize run-off, and if snow containing salt is hauled, every reasonable effort will be made to deposit the snow away from public waters.

II. TOWN ROADS THAT ARE SNOWPLOWED

Unless closed because of a snow emergency, the following town roads or portions of town roads are normally snowplowed by the Town:

- 197th, 200th, 194th, 205th, & upper 204th, Chesterfield Way to 201st to Calgary, Chili Ave., Chevelle Ave., Butternut Trail, Cabrilla Way, Canada & 198th Str., 199th Str., 201st, 203rd, Carlisle Crt, Canberra Crt., Caldwell Crt., Cabrilla Crt., Burlington Path, Biscayne, 210th Str., 170th, Ahern, Cambodia Ave., Century Rd., Camrose Way, Cambridge Ct., Calumet Ct., Caledonia Dr..

III. TOWN ROADS THAT ARE NOT SNOWPLOWED

The amount and nature of the uses to which the Town's roads are put can vary significantly by location and season. While some town roads are needed throughout the year to access to homes, businesses, or as primary transportation routes, other roads are only needed for limited purposes such as for *[hunting, farming, or as convenient short cuts between major roads]* and only during the summer months. The Board determines that attempting to keep all roads open during the winter regardless of the need or use would unreasonably dilute the funds available for winter maintenance and lower the level of maintenance that could be achieved on those roads that are relied upon year-round. In order to properly allocate the Town's limited resources, the Board has determined to *[close and barricade certain roads during winter months, to not snowplow certain minimum-maintenance roads, and to reserve the right to close and barricade other roads as needed to respond to snow emergencies]*.

1. **Town Roads that are Closed During Winter Months:** Rather than commit limited resources to keeping all roads snowplowed regardless of the need for the roads during winter months or the costs to keep them open, the Board has determined that it will pass a resolution to close and barricade the following roads during the winter months for the reason listed next to each. The Board will determine when to reopen each road in the spring depending upon their condition.

Road or Portion Closed

Reason for Closure

None

2. **Minimum-Maintenance Roads that are not Snowplowed:** Towns are authorized by Minn. Stat. § 160.095 to designate roads that are used only occasionally or intermittently for passenger or commercial traffic as minimum-maintenance roads. Once a road is properly designated as a minimum-maintenance road and appropriate signs are posted, the town need only maintain the road at a level needed to accommodate the occasional or intermittent use. In this Town the Board has designated certain roads in the Town as minimum-maintenance roads. Some or all of the roads designated as minimum-maintenance are used primarily as access to lands for *[farming, hunting, sight-seeing, or for other summer recreational purposes]*. Because the Board determines that these roads are not needed for vehicular traffic during the winter months, the following minimum-maintenance roads will not be snowplowed or otherwise maintained during winter months:

- 190th Str. W. & Annette Ave.

While these roads are not used for vehicular traffic during winter months, the Board does recognize that they are used for snowmobiling. The Board also recognizes that snowmobiling is an important recreational activity that plays an important part in the local economy. If the Board were to close and barricade these roads during the winter months, snowmobilers would be prohibited from using them under Minn. Stat. § 160.27, subd. 5(14) which makes it a misdemeanor to drive through or around barricades. Furthermore, erecting barricades across roads used for snowmobile traffic creates a concern for the safety of snowmobilers. To

accommodate the use of these roads by snowmobilers, instead of closing and barricading the roads the Board will erect signs on or adjacent to the minimum-maintenance signs indicating that they do not receive any winter maintenance.

3. **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.
4. **Special Circumstances:** An owner of property adjacent to a road or road portion 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.

IV. TOWN ROAD SNOWPLOWING PRIORITIES

In order to provide for the most efficient and effective snowplowing as possible given the Town's limited resources, the Board must determine which town roads will be plowed first. To this end, the Board has placed all the town roads the Town snowplows into three priority categories based on factors such as traffic volume, road function, and the importance of a road to the welfare of the community. The Board has determined that those town roads classified as priority one town roads should be snowplowed first, priority two town roads should be snowplowed second, and priority three town roads should be snowplowed third. A town road may only be snowplowed in the order accorded its priority category except in emergencies as set out in this policy.

1. **Priority One Town Roads:** The following town roads are classified as priority one town roads for snowplowing purposes:

197th, 200th, 194th, 205th, & upper 204th, Chesterfield Way to 201st to Calgary, Butternut Trail, Cabrilla Way

2. **Priority Two Town Roads:** The following town roads are classified as priority two town roads for snowplowing purposes:

Canada & 198th Str., 199th Str., 201st, 203rd, Carlisle Crt, Canberra Crt., Caldwell Crt., Cabrilla Crt., Burlington Path, Chili Ave., Chevelle Ave., Camrose Way, Century Rd., Cambridge Ct., Calumet Ct., Calendonia Dr.

3. **Priority Three Town Roads:** The following town roads are classified as priority three town roads for snowplowing purposes:

- Biscayne, 210th Str., 170th, Ahern, Cambodia Ave.

V. 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 dispatch necessary personnel and equipment to accommodate the request.

VI. WHEN SNOWPLOWING BEGINS

The *[road superintendent]* or designee shall determine when to begin snow and ice control operations. The criteria for that decision are:

- 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.
- Snow accumulation of *[three]* inches or more.
- Severe 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 personnel and equipment. Consequently, operations will normally not begin until the snow has stopped falling or until at least *[three]* inches of snow has accumulated.

VII. 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 *[road superintendent]* determines that the safety of employees is at risk, conditions pose an unreasonable risk of damaging equipment, or if operations will not be effective because of existing or anticipated conditions.

VIII. 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, the *[road superintendent]* may choose to plow snow from one side to the other. Snow will normally be discharged to the sides of the road unless the *[road superintendent]* determines the snow should be hauled to another location for storage. Because of limitations of budget, equipment, 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 at the discretion of the *[road superintendent]*.

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.

IX. SANDING AND SALTING

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. 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, 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.

X. SNOW STORAGE

Collecting, hauling, and storing snow is expensive, requires special equipment, is labor intensive, and interferes with traffic while it is being performed. As such, snow will only be hauled and stored elsewhere when the [*road superintendent*] determines it is necessary to keep a road reasonably open and passable. Snow that is hauled will only be stored on public land or on private property with the expressed written permission of the owners. To the extent possible, when snow containing salt is hauled it will be stored away from public waters.

XI. SNOWPLOWING OF PRIVATE PROPERTY

The Town will not snowplow or sand 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 Town equipment or to store snow, the Town may snowplow the private property as needed to accommodate the Town’s use of the land.

XII. 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. A violation of this provision shall be a misdemeanor, and the prosecution of any said violation shall be commenced before the Dakota County District Court as provided by law.

XIII. 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. 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. Where private property damage does occur, it is the policy of the Town to handle damages in the following manner.

Mailboxes: Owners are responsible for erecting their own mailboxes in order to receive roadside mail delivery. Mailboxes must conform to the standards established by the Minnesota Department of Transportation. Mailboxes that do not conform to the established standards are considered a public nuisance and are prohibited by law. Minn. Stat. § 169.072. The mailbox owner assumes all risk of damage from snowplowing including damage from pushed or piled snow. The only exception is where the mailbox is damaged through direct contact with snowplowing vehicles. If, in the opinion of the [*road superintendent*] or designee, a mailbox was damaged through direct contact with snowplowing vehicles, the Town will repair, replace, or make other arrangements with the owner to correct the damage to the mailbox. Under no circumstances will the Town pay more than [\$40] to correct damage to a mailbox. Furthermore, the Town will not pay to repair or replace any mailbox that does not substantially comply with the standards established by the state, even if they are damaged by direct contact with snowplowing vehicles.

1. **Sod and Landscaping:** The Town 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 Town assumes no responsibility for damage to aboveground 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 Town will only be responsible for damage to utility pedestals, transformers, or other utility structures within the 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. Town liability will be limited to the actual costs to repair the damages as documented by invoices submitted to the Town 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 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. **Parking:** Per Ordinance 250, Section 1. It shall be unlawful for the owner or driver of a motor vehicle to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device on any public street or public roadway within the Township for a period of longer than five (5) minutes during the hours of 3:00 A.M. and 6:00 A.M. except (a) when a person is rendering emergency medical assistance or (b) in areas of construction where off street parking is not available. And per Ordinance 240, Section 1. If a condition shall exist at 6:00 o'clock A.M. on any day which shall require the plowing or removal of snow from the streets, parking lots and public areas of the Township, then in that case, no person shall permit a vehicle under his ownership, operation or control to be left unattended on any street, parking lot or public area until such area has been cleared of snow. Section 2. Any vehicle parked or left unattended upon any street, parking lot or public area, which constitutes an obstruction to traffic or to removal of snow, may be removed. The Township constable or the Township Clerk may provide for the removal of such vehicle to a convenient place of storage. The owner thereof may redeem his vehicle some such place of storage upon proof of ownership and paying the cost of removal and storage.
6. **Damage by Contractors:** The Town shall not be responsible for any damage or injuries caused by independent contractors performing snow or ice control operations for the Town. Any claims of damage must be made directly to the contractor.

XIV. 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 [road superintendent]. The [road superintendent] shall inform the board of complaints, any requests for changes to this policy, or any other request that requires a Board decision to address.

XV. 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.

Adopted this _____ day of _____, 20_____.

BY THE TOWN BOARD

Town Board Chair

Attest: _____
Town Clerk