

**NEW MARKET TOWNSHIP
SCOTT COUNTY
STATE OF MINNESOTA**

AMENDED SNOW AND ICE CONTROL POLICY

WHEREAS, the Town Board of New Market Township is the statutory road authority and provides maintenance for over 50 miles of road right-of-way within the Town;

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

WHEREAS, the Board, has advised residents that several things can be done by Township residents to facilitate better plowing:

- Do not park vehicles on the roadway or shoulder until the snow has been pushed off the roadway. In the case of steep driveways or driveways filled with snow, park at the mouth of the drive but off the road. Cul-de-sacs should also be free of vehicles. If a car is parked on a roadside or cul-de-sac we may not finish plowing that street, but return several hours or maybe even a day later to complete the work.
- Similarly, garbage and recycling containers should not be placed or left on the roadway during a snowfall. The Township suggests not placing containers on the roadway before 7 p.m. the evening before pickup and removing the containers no later than 7 p.m. the day of pickup. Even with these precautions, containers on the roadway may be struck by snow moving equipment or cause the street to not be completely plowed for several days.
- When shoveling/clearing your driveway, to minimize the snow plow's packing of snow into your driveway, either leave the last six feet of your driveway uncleared, or clear the roadway half way across and the ten feet before the driveway. Leaving six feet of snow at the end of your driveway will allow the snow being pushed by the plow to remain on the plow and not dumped onto your driveway. If you clear the snow from the roadway and along your property there will be little snow on the plow when the plow crosses your driveway. Similar clearing ahead of a mailbox will help to prevent snow packing against the mailbox.

WHEREAS, the Board determines it is in the best interest of the Township to amend the established policy to set out in more detail 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:

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 Township, 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; enable the delivery of emergency services; avoid damage to personal property; and the cost effective allocation of resources. A further explanation of some of these policy considerations follows:

1. **Budgetary:** The funds the Township has available for snow and ice control are derived from two sources. The first is the Township Road and Bridge tax levy that is set by the Township electors at the annual Township 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 Township electors at the annual Township meeting, but the actual amount of the Township's road & bridge levy is determined solely by a vote of the electors.
2. **Personnel & Equipment:** The Township has no full-time and no part-time employees available to carry out snow and ice control activities. The Town Board supervisors are each designated as road superintendents with individual responsibility to enforce this Resolution. The Township owns no snow removal equipment. The Board contracts with independent contractors on a regular basis for snow removal services and equipment.

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 unreasonable 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:** Because the Township 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 NOT SNOWPLOWED:

In snow emergencies the Board will close and barricade town roads, as 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.

III. 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.

IV. WHEN SNOWPLOWING BEGINS:

1. The Town Board shall determine when to begin snow and ice control operations. The criteria for that decision are, but not limited to:
 - 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
2. 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 an accumulation of three inches or more has occurred.

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 the 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.

VI. HOW SNOW WILL BE PLOWED

1. 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 Town Board may choose to plow snow from one

side to the other. Snow will normally be discharged to the sides of the road unless the Town Board 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.

2. 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.
3. 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.
4. Snowplowing unavoidably results in snow being deposited on driveways and approaches. Because the Township does not have the resources available to it to clear the ends of driveways and approaches, it is the responsibility of landowners to remove snow from their driveways and approaches.

VII. SANDING AND SALTING

The Township 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.
- (4) 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

VIII. 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 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.

IX. SNOWPLOWING OF PRIVATE PROPERTY

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

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. §160.27, 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.

XI. OBJECTS WITHIN TOWNSHIP 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 Township. 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 Township to handle damages in the following manner:

1. **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 Township will repair, replace, or make other arrangements with the owner to

correct the damage to the mailbox. Under no circumstances will the Township pay more than forty dollars (\$40) to correct damage to a mailbox. Furthermore, the Township 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.

2. **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.
3. **Lawn Sprinklers, Lighting and Personal Property:** The Township 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.
4. **Utility Structures:** The Township 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. 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.
5. **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.
6. **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.

XII. COMPLAINTS AND REQUESTS FOR FURTHER SERVICES

If a resident has a problem with snow removal or slippery roads, they should call the Road Supervisor. Contact information can be found on the *Contact Us Page* of the website. Further, complaints and requests for further services regarding snow and ice control or damage will also be taken by the Town Clerk during normal office hours and handled in accordance with Township procedures. Complaints and requests for further services or changes to this policy should be directed to the Town Board.

XIII. REVIEW OF POLICY

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