

May Township Cass County

RESOLUTION ESTABLISHING A SNOW AND ICE CONTROL POLICY

WHEREAS, the Town Board ("Board") of May Township ("Town") is the road authority and provides maintenance for approximately 54 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;

WHEREAS, The Township does not assure a completely bare road surface and will not sand entire sections of the road way. Users of the Township roads are reminded to exercise caution and drive with care and at appropriate speeds for the road conditions. The Township will use Township employees and Township equipment and/or contractors to provide snow removal;

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 May 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 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 0 full-time and 1-3 part-time employees available to carry out snow and ice control activities. 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.

- The Town owns and has available the following items of equipment for snow and ice control (the Board may contract with independent contractors on an as needed for snow plowing):

Grader 2009 John Deere 770G S: DW70GX625494

Grader John Deere 670G

3. Use of Township Equipment: May Township has not authorized the use of Township equipment to plow private driveways except in the case of an emergency and as authorized by a Township Supervisor. This restriction is being placed so as to limit potential liability issues against the ownership. If such use of township equipment is authorized by a Township Supervisor that action cannot be used to determine that the private driveway is a public road due to: use by the public, maintenance, and continually over a period of years.

4. Use of Private Equipment: Private Individuals may not use their equipment to plow snow across or to plow a Township road. Either of these actions can create liability issues if they were to strike or are stricken by someone using that Township road or their actions may create a hazardous condition.

5. 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 unreasonable 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 chairperson based upon the actual and anticipated weather conditions.

6. Work Schedule for Snowplow Operators: Snowplowing will commence after it accumulates to 3 inches or more. Drifting snow that causes problems for travel, icy conditions which seriously affect travel, consecutive less than 3 inches each snowfalls that when added together require snow removal to adequately clean the road was so the road edges are visible.

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.

2. Minimum-Maintenance Roads that are not Snow plowed: 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].

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. EMERGENCY RESPONSE VEHICLE ASSISTANCE

If an emergency services agency 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.

V. WHEN SNOWPLOWING BEGINS

Snowplowing will commence after it accumulates to 3 inches or more. Drifting snow that causes problems for travel, icy conditions which seriously affect travel, consecutive less than 3 inches each snowfalls that when added together require snow removal to adequately clean the road was so the road edges are visible.

Snow and Ice Removal Procedure:

The criteria for commencing snow and ice control operations are:

- Snow accumulations of 3 inches or more of snow.
- Drifting snow that causes problems for travel that cannot be controlled by slower traffic than normal.
- Icy conditions which seriously affect travel that cannot be controlled by slower travel.
- Consecutive less than 3 inches each snow fall that when added together require snow removal to adequately clean the roadway so the road edges are visible.

Snow and ice control typically consists of the following phases:

- Making the road passable. Generally a plow and wing are used.
- The plow operator should rotate to different areas of the Township to start so that the same roads are not always first or last to be plowed.
- The plow operator should work so that all of the roads in a section of the Township are completed at the same time to minimize deadhead trips to back to an area to complete plowing.
- Complete cleanup by doing additional winging to remove the snow berms as far off the roadway as is physically possible.
- Using the grader blade to scrape ice and/or compacted snow off the roadway especially at intersections and other hazardous places.
- If recommended by a Township employee and determined necessary by a Township Supervisor sanding and /or salting at problem locations.
- During periods of melting conditions to remove ice and/or slush from the roadway as needed.

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 Township Supervisor 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.

VII. HOW SNOW WILL BE PLOWED

Snow will be plowed in a manner as to minimize traffic obstructions.

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 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.

IX. 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.

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 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.

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 board of supervisors, a **conforming** 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. **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.**

2. **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.

3. **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.

4. **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.

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 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, this includes all contracted summer work.

XII. 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 Township Supervisor. The Township Supervisors shall inform the board of complaints, any requests for changes to this policy, or any other request that requires a Board decision to address.

XIII. 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 8th day of FEBRUARY, 2021.

BY THE TOWN BOARD

Jan Borg
Chris Caville
Mark Bruner

Town Board Chair Attested: _____
Town Board Vice-Chairman Township Clerk
Town Board