



TOWN OF DUTCH JOHN SNOW REMOVAL OPERATIONS ORDINANCE

WHEREAS, the Town Council finds that snow accumulation on public roads within the Town of Dutch John adversely affects the health, welfare, and safety of the residents of the Town and others visiting; and

WHEREAS, the Town Council finds it necessary and appropriate to determine those things which will be prohibited by the Town of Dutch John within the boundaries of the Town and to provide a means for abating or removing hindrances or obstacles which interfere with or prevent the removal of snow on public roads; and

WHEREAS, the Town Council finds it reasonable and necessary, and in the interest of the citizens of the Town of Dutch John, to establish a means for recovering the costs of these hindrances or obstacles which must be abated by the Town; and

WHEREAS, the Town Council desires to prohibit these conditions and dysfunctions which prevent the removal of snow on public roads and thereby protect the health, safety and welfare of the citizens of the Town of Dutch John and preserve and enhance the quality of life in all seasons.

THEREFORE, be it ordained by the Town Council of the Town of Dutch John as follows:

Reasonable snow removal is necessary for public safety, routine travel, and emergency services. The Town of Dutch John strives to maintain safe conditions; however, this is not an absolute “bare pavement” ordinance. Drivers are expected to practice safe winter driving practices when traveling on town roads as well as follow proper parking ordinances during snow removal times of the year.

The Town will primarily utilize town employees and equipment to provide snow removal services. On occasion, and when deemed necessary, the Town of Dutch John will request and utilize the services of the volunteer fire department to assist with snow removal services. Local and national weather services and general observation will be used to determine when to initiate snow removal services. While we cannot provide round-the-clock services, every effort is made to complete this service as quickly and safely as possible.

Snow Removal

This ordinance sets general guidelines but must remain flexible and take into consideration variable conditions such as wind, extreme temperatures, timing, duration, and moisture content.

Snow removal will be based on the following criteria:

- Snow accumulation of 2 inches or more.
- Drifting snow, causing problems for travel.
- Ice conditions that seriously affect travel.
- Time of snowfall in relation to heavy use of streets.
- Snow removal budget restrictions.

Snow removal begins once streets become hazardous. Different storm situations and severity levels will determine starting times of snow removal. The employees of the Town of Dutch John assigned to these services will be utilized when the above conditions exist.

Examples of snow removal situations:

If a storm ends in the late evening or early morning hours, Town employees may be called in at 2:00am to begin clearing roads for morning use. During blizzards or high windstorms, only essential plowing will be conducted until the storm subsides.

Use of Salt or Sand

The Town of Dutch John currently has resources available to salt or sand Town roadways. The Town encourages all to drive safely during snow season to ensure the safety of all Town citizens. As deemed necessary, and as resources permit, hills, curves, intersections, shaded areas, and other icy areas will be sanded and salted.

Business, Public and Private Parking Lots, and Driveways

Business, public, and private property owners are responsible for plowing their parking lots and driveways. The town will not provide snow removal services to businesses or private parking lots. Parking lots owned and maintained by the Town of Dutch John will be maintained by the Town.

Snow Placement

It is deemed unlawful for any business owner or private resident of the Town of Dutch John to push snow or ice onto public roads which would cause obstructions. All public access road entrances: business, public, and private entrances must be free of unreasonable snow obstructions. All mailboxes and other public utility service routes need to be maintained clear of all snow obstructions to allow for continued services to Town residents. Residents and

business owners of the Town of Dutch John violating this ordinance by placing snow and ice in obstructing locations, or that fail to remove snow and place it in proper locations, will pay a fee if the Town is required to do so on behalf of the business owner or resident. Each obstruction will be dealt with on a case-by-case basis and a fee amount will be determined and issued by the Town Council.

Snow will be plowed in the following manner:

Outer Roadways: Roadways surrounding the Town of Dutch John will be plowed starting on the side of the road closest to residential homes or businesses and then will proceed in an outward fashion or away from homes or businesses so as to cause minimal obstruction.

Inner Roadways: Inner roadways of the Town of Dutch John will be plowed starting in the center of the street and then will proceed in an outward fashion on either side toward homes or businesses (efforts will be made to ensure that plowing conditions that cause a “snowed-in” condition to residents and business owners are mitigated by changing plow direction in certain areas and by determining the “best” placement of excess snow).

Property Damage

The Town recognizes that on occasion private property is damaged during the Town operation of snow removal. Where this occurs, it will be the practice of the Town to handle damages in the following manner:

1. A Town Council member, or a designated representative of the Town, shall investigate complaints of damage. If evidence indicates that physical contact occurred between the Town plow and the identified property, the Town may assume responsibility for repair. Where evidence indicates that snow caused damage to the property, the homeowner will assume responsibility for repair.
2. Mailboxes: It shall be the responsibility of the property owner to maintain access to mailboxes so mail can be delivered. A Town Council member, or a designated representative of the Town, shall investigate complaints of damage. If evidence indicates that physical contact occurred between the Town plow and the mailbox, the Town may assume responsibility for repair. Where evidence indicates that snow caused damage to the mailbox, the homeowner will assume responsibility for repair.
3. Driveway Aprons: Damage caused to driveway aprons will not be repaired unless authorized by the Town Council.
4. Fences and Other Encroachments: If it is determined that damage to private property was caused by Town snow removal, the repair and replacement of the damaged property may be approved by the Town Council. It will be up to the Town Council’s discretion as to performing the work or having the property owner supply an estimate. The owner must present the invoice confirming that the repair is complete before payment is made.

*Damage to fences located beyond the front of resident houses will not be covered by the Town of Dutch John. The Town will not repair private landscaping – including nursery and inanimate materials that are installed or encroach on Town-owned right-of-way.

5. Cars, vehicles, and trailers of any kind: Any vehicle or trailer damaged in the process of Town snow removal due to illegal parking shall be the owner's responsibility based on Planning and Zoning Ordinance Section 1328(3) (*see also the parking restrictions section below*).

Commercial Operations

Operations of private snow removal services not hired by the Town, but operating within the Town limits, shall completely clean snow and ice pushed onto Town streets and will be held liable for all damage caused to Town or private property.

Parking Restrictions

Restricted parking shall be in effect based on Planning and Zoning Ordinance Section 1328(3). Illegally parked vehicles shall be responsible for damage, including but not limited to, damage to Town vehicles, public property, private property, and injury or harm to employees or citizens of the Town of Dutch John. The following definitions apply:

1. "Vehicle": Includes, but is not limited to, any car, truck, van, bus, boat, ATV, trailer, semitrailer, mobile home, RV, motorcycle, tractor, mobile construction equipment, storage container, or machinery.
2. "Snow Season": a period between *November 1st to May 1st*; or anytime there is a snow accumulation of 2 inches or more, requiring Town services to be implemented.

The following restrictions apply to the Town of Dutch John during snow season:

- It is prohibited to park a vehicle on a public street when snow has accumulated to any degree according to Planning and Zoning Ordinance Section 1328(3).
- It is also prohibited to park a vehicle on a public street during snow season between *7am and 8 pm*.

Parking Violation Penalties

If a vehicle is parked in violation according to Planning and Zoning Ordinance Section 1328(3), and is interfering with snow removal operations, the Town Council will refer the illegal action to the Town Attorney for a determination of legal action.

The first violation of this Ordinance during a given snow season constitutes an infraction. Any violation past the first during a given snow season is considered a class C misdemeanor. Any further penalties due to violations following these occurrences in a given snow season will be

left up to the discretion of the Town Council and Town Attorney but may include increased fees and other penalties.

All violations will be communicated to the owner by placing a “Notice” or “Warning Letter for Illegal Parking” on the vehicle causing the violation, providing seven (7) days from the date of notice to the owner to “permanently remove” the vehicle.

Ordinance Enforcement

The Town of Dutch John shall serve as an enforcer of this ordinance and will utilize whatever means necessary to do so. Any disputes regarding this enforcement will need to be made to the Town Council.

Complaints

Complaints or disputes regarding snow removal should be directed to the Town Council. The location and nature of the complaint will be reviewed, and an appropriate response will be made.

This Snow Removal and Parking Ordinance shall become effective immediately upon publication or posting as set forth by State law and through implementation by vote of the Town Council. A notice of enactment of the ordinance shall be published and shall be posted on the public notice website, three public places, and the Town website.

This Snow Removal and Parking Ordinance is passed and approved this _____ day of December 2023.

TOWN OF DUTCH JOHN

Sandy Kunkel, Mayor

ATTEST:

Amy McDonald, Recorder