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WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQU

Date: November 5, 2015

Weekly Agenda Date: November 10, 2015

DEPARTMENT HEAD / CITIZEN: Mark J. Nahra P.E. Secondary Roads Dept Head

SUBJECT: **Review of Proposed Changes to Ordinance No. 1 for Snow and Ice Removal from County Roads**

ACTION REQUIRED:

Approve Ordinance ☐	Approve Resolution ☐	Approve Motion ☐
Give Direction ☒	Other: Informational ☒	Attachments ☐

Information only

WORDING FOR AGENDA ITEM: Preliminary review of proposed changes to County Policy for Snow and Ice Removal from County Roads

EXECUTIVE SUMMARY: The Woodbury County Snow Ordinance was based on a statewide draft policy designed to bring the county protection granted under section 668.10(2) of the Code of Iowa. This section of the code provides a county protection from liability for accidents occurring during winter conditions when the county can demonstrate it has followed its published level of service for snow and ice removal. The original draft ordinance was revised in 1996 following an Iowa Supreme Court decision where the Cedar County snow ordinance was upheld by the court. Key provisions were added to a new statewide draft policy that are not part of the Woodbury County ordinance.

The county also has had some service level changes in the 30 years since the ordinance was adopted and it is important to bring the ordinance into conjunction with practice.

BACKGROUND: The secondary road department is reviewing all operating policies in cooperation with the Board of Supervisors. The county snow ordinance has not been changed since its adoption in 1985. Changes to the county snow ordinance were recommended by ISAC in 1996, but were not adopted in Woodbury County. This is an opportunity to review county policy.

FINANCIAL IMPACT: These policies will affect future county expenditures for snow removal. The county spends between $500,000 and $750,000 in an average year for snow removal. Depending upon the policy provisions laid out in the ordinance, the county's budget for snow removal can be affected.

RECOMMENDATION: No recommendation at this time. The policy is presented for discussion and questions only.

ACTION REQUIRED/PROPOSED MOTION: Information and discussion only.

WOODBURY COUNTY

ORDINANCE NO. 1

AN ORDINANCE TO ESTABLISH THE POLICY AND LEVEL OF SERVICE IN RESPECT TO CLEARANCE OF SNOW OR ICE AND MAINTENANCE OF THIS COUNTY'S SECONDARY ROADS DURING THE WINTER MONTHS.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY:

SECTION 1 -- PURPOSE

The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, as provided in Section 668.10(2) (2003), Code of Iowa, and pursuant to the provisions of Section 309.67, Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, and as contained in this County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors. The clearing of roads at any cost is not the County's policy.

SECTION 2 -- LEVEL OF SERVICE

Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of this County. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. On occasion, County personnel may be rendered unavailable due to the provisions of the Omnibus Transportation Employee Testing Act of 1991. Except for "emergencies" as determined by the County Engineer's professional judgment, or his/her designee acting in his/her absence, on a case by case basis, all clearance of snow or ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service and as practicable. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right of way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The lines of sight, sight distance, or visibility of motorists approaching these

intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

When snow obstructs all or a portion of the right half of the roadway, it may be necessary for snow clearing equipment to be driven to the left of center of the roadway while clearing snow. Unoccupied vehicles that obstruct the traveled way or impede removal of snow from the roadway may be removed from the roadway or shoulders of the road by county personnel or towed as necessary. .

SECTION 3 -- SEQUENCE OF SERVICE

In the implementation of snow and ice removal and other maintenance of the County's secondary road system during the winter months, the County Engineer shall select the actual sequence of roads to be cleared as provided for in this section of the ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved roads be accomplished prior to the clearance of gravel and dirt roads. The County Engineer's professional judgment, or his/her designee's, shall prevail.

PAVED ROUTES

1. The initial effort will be to get all routes open to one-lane traffic as soon as possible and or practicable. During initial snow removal operations, paved roads may only have one lane plowed for a period of time.
2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. The truck mounted snow plows and spreaders will normally be in operation from 6:00 AM to 5:00 PM. The trucks may be called off the road if snow and/or blowing snow reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his delegated representative.
4. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel may be delayed.
5. It is not the policy of the County to provide a "dry" pavement condition.
6. After roads have been plowed, as provided in this section, intersections, hills, and curves may, but not necessarily, have placed on them, salt, sand, or other abrasives. These intersections, hills, and curves may not be resanded, resalted, or have other abrasives replaced on them between snowstorms.

7. Snow removal operations on designated essential industrial routes will commence at 4:30 AM and may be extended until 5:30 PM, depending upon storm conditions. Designated routes will be reviewed and designated annually by review of the Board of Supervisors in consultation with the county engineer. Essential industrial routes typically serve industries with 24 hour operations and include power plants and chemical plants. Snow removal service hours will be extended for these industries to assure required personnel shift changes at these industries.

UNPAVED ROADS

1. The initial effort will be to get all routes opened to one-lane traffic as soon as possible and/or practicable after a storm has passed.

2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.

3. Motor graders and/or truck plows will normally be in operation during daylight hours. Gravel roads may not be plowed if the wind is causing continual drifting. The motor graders and/or truck plows may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his delegated representative.

4. Snow may not be removed from dirt roads or roads designated at Level B.

5. Excessive snow accumulation from snow storms and blizzards may require that snow removal operations be limited to those roads which have residences located along them. It may be necessary to provide access to some residences from one direction only, and roads with no residences may not be opened.

PRIVATE DRIVES

The County will not clear snow from private drives or any road that is not part of the secondary road system, unless said road is covered by a maintenance agreement, except in an emergency as defined in Section 5 of this ordinance. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the roadway or shoulders.

There is no time limit after a snowstorm in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

MAILBOX REPLACEMENT

The County will assume no liability for mailboxes and fences damaged because of snow removal unless such action can be determined to be malicious or by direct contact with a plow or

wing blade. The County will not replace or repair mailboxes damaged or knocked down by the force of snow thrown from the plow.

SECTION 4 -- LIMITATION OF SERVICE

Notwithstanding anything else stated in this ordinance, the policy and level of service provided for in this ordinance shall not include the following, and the following services shall not be performed:

1. Sanding, salting, or placing other abrasives upon the roadways that are slick, slippery, and dangerous due to the formation of frost.

2. Sanding, salting, or placing of other abrasives upon paved roadways due to freezing rain that occurs during the hours of darkness.

3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

4. Sanding, salting, or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer, or his/her designee, an "emergency" exists and ice has built up on hills and intersections on the gravel system that slope down to another road so as to become dangerous, abrasive material may be applied at these locations as crew and equipment availability allows and only as a last resort. This condition will not, under any circumstances, take a higher priority than placing of abrasive material on the paved road system and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have been tried and failed, such as scraping with motor graders.

5. Re-sanding or re-salting for freezing and thawing between snowstorms.

6. Removing of sand, salt, or other abrasives.

7. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the county, unless it is agreed to do so by a 28-E Agreement between the county and the entity having jurisdiction of the road.

SECTION 5 -- EMERGENCY

Service or the level or sequence of service may be suspended during "Emergency" conditions. An "Emergency" condition shall be considered as one where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. The County may respond to all "Emergency" conditions, either during or after a snowstorm.

These conditions should be verified through the Sheriff's Office or County E911 Dispatch. Any person who makes a false report of an "Emergency" to an officer, official, or employee of Woodbury County or who causes a false report to be so made shall, upon conviction, be subject to a fine of not more than $100.00 or imprisonment of not more than 30 days in the County jail.

Winter road conditions can degrade to where travel is unsafe and vehicles and passengers who become snowbound outside of shelter can face life threatening conditions. Road users need to remain aware of weather and traveler advisories. Upon declaration by law enforcement or National Weather Service that no travel is advised, and that highways, including interstates, are closed and state and county plows have been called off the roads, drivers have two hours to seek shelter and get off of county roads. If a driver becomes snowbound two or more hours after a "no travel advisory" is issued and requires rescue after becoming snowbound, the driver may be billed the cost of county staff and equipment time necessary to respond to the location where the driver is stranded.

The provisions of this ordinance shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the Chairman of the Board of Supervisors, by proclamation, implements the County Disaster Plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the Chairman of the Board of Supervisors.

SECTION 6 – REPEALER

All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 7 -- SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 8 -- WHEN EFFECTIVE

This ordinance shall be in effect immediately after its final passage and publication as provided by law.

Passed and approved this _____ day of _____, 2015.

Woodbury County Board of Supervisors

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Chair, Board of Supervisors

ATTEST:

_____

Patrick F. Gill, Woodbury County Auditor

First Reading:_____

Second Reading:_____

Approved:_____

Published:_____