

THIS PROPOSED ORDINANCE WAS DISCUSSED AND PASSED COUNCIL VOTE DURING THE AUGUST 8, 2019 MEETING; HOWEVER, IT WAS SUBSEQUENTLY DETERMINED THAT A PUBLIC HEARING SHOULD HAVE BEEN NOTICED PRIOR TO DISCUSSION AND PASSAGE.

FURTHER, THE COUNCIL, WITH THE ADVICE OF THE TOWN'S LEGAL COUNSEL, FOUND ADDITIONAL EDITS TO BE INTEGRATED WITHIN THE PROPOSED ORDINANCE TO PROVIDE ADDITIONAL CLARITY. THUS, THIS ORDINANCE WAS NOT FINALIZED AND IS NULL.

Ordinance No. 19-0A

**ORDINANCE AMENDING SECTION 6.8 and 7.5
OF THE TOWN CODE OF HIDEOUT, UTAH**

WHEREAS, the Town Council considers public safety its top priority and in order to better serve the community, its citizens and visitors, deems it appropriate to amend sections of the Town Code regulating snow removal and ice control on public streets and sidewalks in the most efficient and cost-effective manner; and

WHEREAS, the goals of the Town are (1) to provide motorists and pedestrians on Town streets and sidewalks with the safest driving and walking surface practicable under the circumstances; (2) to do so in an efficient and economical manner, and within the Town's budgetary, personnel, resource and environmental limitations and constraints; and to have all Town roadways and sidewalks passable within a reasonable time following a snowfall event.

WHEREAS, it is the intent of this snow removal and ice control program to establish requirements to maximize the benefits of such a comprehensive program;

WHEREAS, this program also enumerates the responsibilities of property owners and homeowner associations and in no way relieves these parties of their respective responsibility to remove snow and ice from the sidewalk or path adjacent to their properties or under their control; and

WHEREAS, in order to provide for the most efficient and cost-effective method for removing and controlling snow and ice from roadways and sidewalks, criteria is established to regulate the Town's snow removal and ice control operations; and

WHEREAS, the Town Council held a work session on **Xxxxxx XX, 2019** and a public hearing on **Xxxxxx xx, 2019**:

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. AMENDMENTS. Attachment A, outlining amendments to Sections 6.8 and 7.5 of the Town Code of Hideout, Utah is hereby adopted.

SECTION 2. EFFECTIVE DATE. This Ordinance becomes effective upon publication.

PASSED AND ADOPTED this **XX** day of **Xxxxxx**, 2019.

Mayor Phil Rubin

Attest:

ATTACHMENT A:

Title 6 Motor Vehicles and Traffic, Chapter 8 Stopping, Standing and Parking

6.8.X. WINTER SEASON LIMITATIONS.

Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate snow removal, ice control, and to facilitate emergency access during the winter months. The winter seasonal regulations shall apply from October 31 to April 15.

The special winter regulations are as follows:

- (A) It shall be unlawful to park or leave unattended any vehicle in a roundabout, cul-de-sac or dead end. Construction and delivery vehicles are included under this provision.
- (B) It shall be unlawful to park construction vehicles within thirty (30) feet of an intersection or blind curve.
- (C) It shall be unlawful to park any vehicle in a manner that obstructs snow removal or ice control by failing to leave adequate room for passage of plows and/or other removal equipment. Construction and delivery vehicles are included under this provision
- (D) Employees of Hideout are hereby authorized to remove or have removed at their discretion any vehicle or obstruction found on a street in violation of this ordinance. Any person who parks, leaves or deposits any such vehicle or other obstruction, shall be liable for all removal and impoundment costs (including Town administrative costs). The Town shall not be responsible for injury and/or damage claims related to snow removal services.

Title 7 Public Ways and Property

Chapter 5 Snow Removal (New Chapter to be added)

SNOW REMOVAL AND ICE CONTROL POLICY Snow Removal and Ice Control Policy Established. Users of the streets and roads of the Town (hereinafter referred to as “public roadways”) shall exercise caution and drive with care at all times, and particularly during adverse weather conditions, recognizing that driving at the posted or otherwise lawful speed limit may not be possible at all times. When a snowfall event occurs, the following snow removal and ice control provisions will be in effect.

7.5.1. SNOW REMOVAL PRIORITIES FOR PUBLIC ROADWAYS.

Snow removal is provided for public roadways on a priority basis. Plowing priority is given first to arterial and collector streets, followed by secondary and residential streets and finally cul-de-sacs.

7.5.2. PRIVATE ROADWAYS: DUTY TO REMOVE SNOW.

It shall be the duty of every homeowners association (HOA), property owner, corporation, partnership, or other entity having control over a private roadway system within the Town, and the owners of properties abutting such private roadways which are provided access from those streets, to provide regular snow removal and ice control service on those private roadways in accordance with the standards established in Section 7.5.3.

7.5.3. SNOW REMOVAL AND ICE CONTROL STANDARDS.

"Regular snow removal and ice control service" shall mean that snow shall be cleared from the roadway to a minimum width of eighteen feet (18') within a period of eight hours from the end of each snow storm which deposits an accumulation of four inches (4") of snow or more. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on private roadways for more than eight (8) hours. In addition, sand, salt, or ice melt (as needed and available) shall be applied when hazardous ice or slippery conditions on public roadways exist. Sanding is generally done at problem locations on paved roadways, including intersections, curves and hills.

7.5.4 REMOVAL OF ALL OBSTRUCTIONS FROM ROADWAYS.

It is the responsibility of all property owners to remove trash containers from public roadways during or prior to adverse weather events so as to not interfere with the Town's snow removal efforts.

7.5.5. SNOW STORAGE ON SITE.

It is the duty of all private property owners and homeowner associations to make arrangements for the storage of snow, which has accumulated on such property or properties owned or under their control. All private property owners and homeowner associations, and their employees, agents, and contractors, shall confine the accumulated snow to the property owned or under their control or to another property with that owner's expressed written consent. The Town is not responsible for removal of accumulated snow from private drives or other private property.

7.5.6. UNLAWFUL TO DEPOSIT SNOW IN PUBLIC WAY.

It shall be unlawful for any private property owner or home owners association to haul, push, blow, or otherwise deposit snow onto the traveled portion of any public roadway.

7.5.7. TRAVELED PORTION DEFINED.

As used in this Chapter, the term "traveled portion of any public roadway" shall mean and refer to that portion of the public right-of-way that is paved and maintained for vehicular or pedestrian traffic. It shall not include the portions of the right-of-way outside of the paved area, and it shall not be a violation of this Chapter for any property owner or homeowner association to place accumulated snow within the non-traveled portion of the public right-of-way.

7.5.8. PRIVATE SNOW REMOVAL ON PUBLIC STREETS.

It shall be the duty of every homeowner association, corporation, partnership, or other entity having the responsibility for snow removal on a public street pursuant to plat restriction, conditional use approval or other permit or agreement with the Town, and the duty of every owner of property abutting on and provided access from such public roadway to provide regular and adequate snow removal service on those public roadways according to the regular and adequate snow removal and ice control service standards detailed in 7.5.3.

7.5.9. FAILURE TO REMOVE SNOW FROM PUBLIC STREETS.

In the event the party or parties responsible for private snow removal on public roadways as provided in Section 7.5.8, fail to remove snow to the required standards of Section 7.5.3, the Town may, at its discretion, perform the snow removal necessary to achieve the required standards and obtain reimbursement of its snow removal costs (including administrative fees) from the responsible party or parties.

7.5.10. SIDEWALKS/STAIRWAYS TO BE CLEARED.

It shall be the duty of every property owner and home owners association (where snow removal is their responsibility) to clear the sidewalks and stairways at the perimeter of their property from accumulation of snow. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on the sidewalk for more than eight (8) hours at a time. In addition, ice shall be removed to bare pavement or made as level as possible and treated with salt, ice melt, sand, or similar material.

7.5.11. FIRE HYDRANTS TO BE UNCOVERED.

It shall be the duty of every property owner and home owners association (where snow removal is their responsibility) to mark, uncover, and remove accumulated snow and from, over and around fire hydrants located on such property. The hydrants shall be uncovered for a distance of not less than three feet (3') on all sides so the hydrants are accessible for emergency use. Hydrants shall be uncovered within forty-eight (48) hours of the time they are buried by snow or snowplow.

7.5.12. HYDRANT LOCATIONS TO BE MARKED.

All fire hydrants on private street systems shall be marked with a minimum six (6) foot pole or other sign by the private property owner. The marker should extend well above the normally anticipated depth of accumulated snow so the location of the hydrant can be readily determined during periods when it is covered.

7.5.13. UNLAWFUL TO REMOVE MARKERS.

It shall be unlawful to remove or destroy the hydrant markers on either public or private roadways.

7.5.14. IMPROVEMENTS INSTALLED AT OWNER'S RISK.

The Town shall have no liability for damage to sprinklers, mailboxes, lights, communications equipment, trees, shrubs, or other improvements installed in the Town's right of way.

7.5.15. DAMAGE TO IMPROVEMENTS.

The Town will not assume any liability for damage to improvements or landscaping in the public rights-of-way which results from snow removal and ice control activity.

7.5.16. FLAGGING IMPROVEMENTS.

Owners of improvements within the right-of-way are requested to flag the location of improvements (during winter months), and to the extent it is reasonable to do so, Town snow removal efforts will avoid flagged areas. This shall not be construed as a waiver or abandonment of the right-of-way or an acceptance of liability for damage to encroachments that are hidden with snow. If flagged, flags must be removed once ongoing snow removal and ice control activities have completed for the season.

7.5.17. Penalties.

Any person convicted of a violation of this chapter is subject to a \$200.00 fine plus any costs incurred by the Town.

7.5.18 New Developments.

The Town will only takeover Snow Removal and Ice Control responsibility of new public roadways when the town is deeded the roadway and when 50% of the development phase has received a certificate of occupancy. Before both of these occurrences the developer has the responsibility for snow removal and ice control.

7.5.19 Damages to Snow Removal Equipment

If the Town's Snow removal equipment is damaged during the snow removal process and the damage is caused by construction equipment or debris, the builder or developer is liable for the damages. The town can use any performance bond to cover the expenses related to fixing the equipment and any rental charges needed to main the snow removal and ice control standards listed in 7.5.3.

7.5.20 Damage to Vehicles During Snow Removal

The town is not liable if a vehicle is parked on the roadway during snow removal. Since the vehicle is parked in violation with the ordinance above, the owner of the vehicle will bear all vehicle repair, rental etc. costs and in addition, if the town equipment is damaged in anyway the owner of the vehicle will reimburse the town for all repair costs and rental costs if needed to continue snow removal while the repairs are performed.