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TERESA BOCKMAN, COUNTY RECORDER  
WINNESHIEK IOWA

**WINNESHIEK COUNTY**

**ORDINANCE NO. 19-211**

**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 WINNESHIEK COUNTY:**

**SECTION 1 -- PURPOSE**

The purpose of this ordinance is to establish Winneshiek County's policy and level of service in respect to clearance of snow or ice and maintenance of secondary road system during the winter months, specifically defined as November through April, as provided in Section 668.10(2) (2001), Code of Iowa, and pursuant to the provisions of Section 309.67, Code of Iowa. This ordinance 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 clearance of roads at any cost, under any circumstances, day or night, 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. Clearance of snow or ice, sanding, salting, and other maintenance with respect to 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.

On occasion, County personnel may be rendered unavailable due to the requirements of the Omnibus Transportation Employee Testing Act of 1991.

On 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

### **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 shall prevail unless it is clearly erroneous.

#### **PAVED ROUTES**

1. The initial effort will be to get all routes open to one-lane traffic as soon as possible and or practicable.
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 not normally be in operation between the hours of 5:00 P.M. - 5:00 A.M. The trucks 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. 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 re-sanded,

re-salted, or have other abrasives replaced on them between snowstorms unless, in the County Engineer's or his designee's professional judgment, the conditions are so hazardous that it is necessary to re-sand, re-salt or apply additional abrasives in some areas. This sequence of service shall only be performed between the hours of 5:00 a.m. and 5:00 p.m., each day, exclusive of Saturdays, Sundays and legal holidays observed by county employees.

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

### 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. Motorgraders and/or truck plows will not normally be in operation between the hours of 5:00 P.M. - 5:00 A.M. The motorgraders 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 roads designated at Level B or Level C.
5. After roads have been plowed as provided in this section, intersections, hills and curves may, but will not necessarily, have placed upon them a granular abrasive material. These areas may not have the abrasive materials placed on them again between storms. This sequence of service will only happen during normal working hours. Motorists shall drive their vehicles during these conditions with additional caution.
6. Unpaved roads will not be plowed on Saturdays and Sundays if the snowfall amounts total less than four (4) inches and wind has not caused significant drifting, as determined by the engineer or his designee.

There is no limit after a snowstorm in which any of the above sequence of clearing on unpaved roads shall take place.

### PRIVATE DRIVES

The County shall not clear snow from private drives. 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.

Snow deposited from a private drive onto the county road shall be removed by the county and the owner of the drive shall be billed for time and

materials to clear off the deposited snow from the roadway.

In cases deemed an emergency by Law Enforcement, Fire Service, Emergency Management Coordinator or EMS (Ambulance Services), and if requested by said agencies, when construction of the driveway permits, the county will plow a driveway to allow access for emergency services, as needed. The county shall not be held liable for any damage done by this action.

#### **MAILBOX REPLACEMENT**

The County will assume no liability for mailboxes and fences damaged due to the of snow removal unless it can be determined that the act was malicious and intentional. The county will not replace mailboxes damaged or knocked down by the force of snow thrown from the plow.

#### **SECTION 4 -- LIMITATION OF SERVICE**

Subject to "Emergency" conditions and procedures as described at Section 5 of this ordinance, the policy and level of service provided for in this ordinance shall not include the following:

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 weather conditions that occurs outside the County's usual working hours.
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. Salting or placement of other chemicals upon unpaved roads.
5. Removing of sand, salt or other abrasives.
6. Plowing, sanding, salting or placing abrasives on any road that is not under the jurisdiction of the county, unless it is agreed to do so under a 28-E agreement between the county and the entity having jurisdiction of the road or is deemed an emergency as stated herein.

#### **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 unless emergency services can gain access, where a serious injury has occurred in an isolated location, or where extensive loss of property is imminent. These conditions should be verified through EMS (Ambulance Services), Emergency Management Coordinator, Fire Service or Law Enforcement. A written protocol for identifying emergency situations and communicating the existence and location of an "Emergency" shall be prepared by the Winneshiek County Engineer, Sheriff, Emergency Management

Coordinator, EMS (Ambulance Services) and County Fire Chiefs. This protocol shall be submitted to the Winneshiek County Board of Supervisors within 30 days of the effective date of this Ordinance for approval. The County will respond to all "Emergency" conditions, either during or after a snowstorm dependent on the specific emergency. Any person who makes a false report of an "Emergency" to an officer, official, or employee of Winneshiek County or who causes a false report to be so made shall, upon conviction, be subject to a fine of not more than \$625.00 or imprisonment of not more than 30 days in the County jail and full reimbursement to the county for all incurred costs associated with the responding to the alleged emergency.

The County shall have equipment prepared at each shop and ready for response to emergencies during non-working hours and will make available to emergency services the contact information to expedite response times.

Service or the level or sequence of service 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 – WINTER WEATHER EMERGENCIES**

The Board may grant the County Engineer, or his designee, the power to designate a "Winter Weather Emergency". This designation may be enacted when a winter storm event creates a condition where normal winter roadway maintenance, under this policy, is not improving road conditions as expected by the county.

Designation of a Winter Weather Emergency shall be based on, but not limited to the following; snow fall amounts, freezing rain, wind, ambient and wind chill temperatures, chemical and abrasive material availability, and equipment and personnel availability.

Once a Winter Weather Emergency is designated, the County reserves the right to selectively reduce service to a road or roads by not plowing or treating, or delaying substantially the plowing and treating of a road or roads.

Criteria for roads that are impacted by reduced service during a Winter Weather Emergency shall be based on, but not limited to, the following; location of occupied private residents', presence of livestock, bus routes, detour lengths, power lines, bridge restrictions and efficiency of the county in performing winter maintenance.

Winter Weather Emergencies shall affect only Class A roads on the Winneshiek County Secondary Road System.

**SECTION 7 -- REPEALER**

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

**SECTION 8 -- SEVERABILITY CLAUSE**

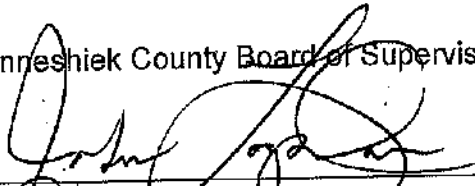
If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 9 -- WHEN EFFECTIVE**

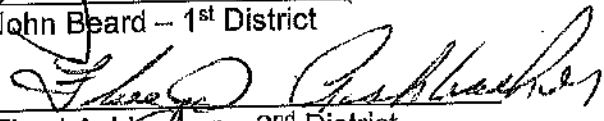
This ordinance shall be in effect immediately after its final passage and publication as provided by law. In addition, this ordinance shall remain in effect until such time the Board of Supervisors passes a future ordinance repealing this ordinance.

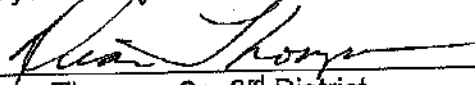
Passed and approved this 29<sup>th</sup> day of OCTOBER, 2018.

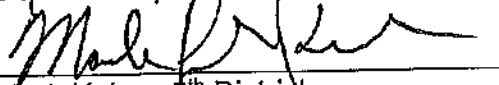
Winneshiek County Board of Supervisors

  
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John Logsdon - Chairman


  
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John Beard - 1<sup>st</sup> District

  
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Floyd Ashbacher - 2<sup>nd</sup> District

  
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Dean Thompson - 3<sup>rd</sup> District

  
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Mark Kuhn - 5<sup>th</sup> District

ATTEST:

  
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Benjamin B. Steines  
Winneshiek County Auditor

First Reading: 10-29-18

Second Reading: WAIVED

Approved: 10-29-18

Published: \_\_\_\_\_