

SUMMIT COUNTY ORDINANCE NO. 346

AN ORDINANCE CONCERNING THE REMOVAL OF SNOW FROM PUBLIC STREETS, AND PRIVATE STREETS AND FACILITIES PROVIDING PENALTIES FOR VIOLATION

WHEREAS, it is in the best interest of Summit County and the health, safety and general welfare of its citizens to adopt this Ordinance in order to provide consistency of snow removal services, and minimize property damage;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1. Snow Removal Priorities for Public Streets

Snow removal, at the option of Summit County, may be provided for public streets within Summit County on a priority basis as follows:

- 1) Major County roads and school bus routes
- 2) Main County roads
- 3) Minor County roads and cul-de-sacs
- 4) Other County roads

Summit County snow removal services in new subdivisions will begin only after official acceptance of the roads by the County.

Summit County reserves the right to not provide snow removal services to any road.

Section 2. Private Streets - Duty to Remove Snow

Summit County has no responsibility to provide snow removal services to private roads.

Section 3. Seasonal limitations on Parking

There shall be no on street parking between November 15th and April 15th of the following year. Vehicles or other obstacle which hamper snow removal operations, will be towed or removed at the owners expense. The County shall not assume any liability for damage to vehicles parked on the street in violation of this ordinance. Damage to snow removal equipment resulting from contact with vehicles parked on the street shall be the responsibility of the vehicle owner.

Section 4. Snow Storage on Site

It is the duty of all property owners, condominium owners associates, property owners association, corporations and partnerships to make arrangements for the storage of accumulated snow, either on their own premises, or on the premises of another with the permission of the other. All property owners, condominium owners associates, property owners association, corporations and partnerships, and their employees, agents and contracts shall confine the accumulated snow to their premises or another with the other's permission.

Section 5. Unlawful to Deposit Snow in Public Way

It shall be unlawful for any person to deposit, haul, push, blow or otherwise deposit snow accumulated on private property within the traveled portion of any public street in a manner that impedes the reasonable flow of traffic on that street. The traveled way shall be defined as the width of the paved or graveled surface plus ten additional feet on each side of the surface.

Section 6. Impairment of Traffic

In determining whether snow deposited on the County Road from private property is such that it impedes the reasonable flow of traffic, the County shall look at whether a driver of ordinary skill and experience in snowy climates, driving a typical passenger car with tires reasonably suited for winter road conditions could pass over the area in question without having to leave the normal lane of travel, getting stuck in the deposited snow, or risking damage to his vehicle.

Section 7. Fire hydrants to be Uncovered

Every Water Company shall uncover and remove accumulated snow and windrows of snow from over and around fire hydrants. The hydrants should be uncovered for a distance of not less than three feet on all sides so the hydrants are accessible for emergency use. Hydrants should be uncovered within 72 hours of the time they are buried by a plowed windrow of snow or from the time they become buried from drifts.

Section 8. Hydrant and Utility Structure Locations to be Marked

All fire hydrants and utility structures shall be marked by the owner of hydrant or utility structures with a pole or other sign that extends well above the normally anticipated depth of accumulated snow (6 foot minimum) and windrows at that location so the locations of the hydrant and utility structures can be readily determined even during periods when it is covered.

Section 9. Unlawful to Remove Markers

It shall be unlawful to remove or destroy the hydrant or utility structure markers on either public or private road systems, except that they may be removed in the Spring for storage until the following Fall when they are again necessary. Hydrant or utility markers shall be continuously in place from November 15th to April 15th the following year.

Section 10. Improvements Installed at Owner's Risk

The County right-of-way for most roads in the County are wider than the paved area to allow space for utility services and snow storage. Property owners may install sprinklers, mailboxes, lights, plants, plant shrubs, or install other above-grade landscaping in these areas, but do so at their own risk.

Section 11. Damage to Improvements

The County shall not assume any liability for damage to improvements or landscaping in the County right-of-way which results from normal snow removal activity. Any damages caused by the placement of structures, improvements or landscaping to County equipment or that of others shall be the responsibility of the property owner.

Section 12. Flagging Improvements

Owners of improvements within the right-of-way shall flag the location of improvements, and to the extent it is reasonable to do so, County snow removal efforts will try to 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.

Section 13. Penalties

Any person who violates the provisions of this Ordinance is guilty of a Class "C" misdemeanor. Each day continuing violation occurs shall be deemed a separate offense.

Section 14. Severability

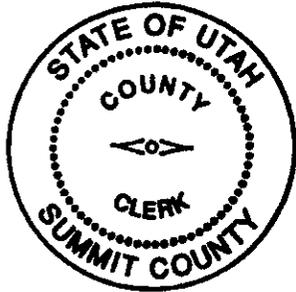
Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

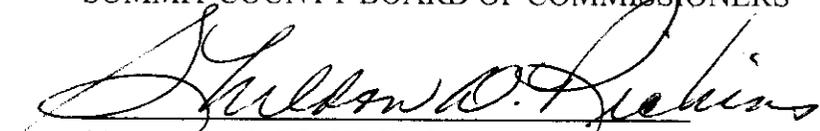
Section 15. Effective Date

This Ordinance shall become effective after publication of such in accordance with applicable State Law.

PASSED AND ADOPTED by the Board of County Commissioners of Summit County, Utah, this 8 day of February, 1999.

SUMMIT COUNTY BOARD OF COMMISSIONERS




SHELDON D. RICHINS, CHAIRMAN

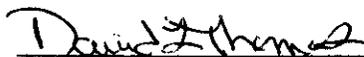

ERIC D. SCHIFFERLI


PATRICK CONE

ATTEST:


KEN JONES
Summit County Clerk

APPROVED AS TO FORM:


DAVID L. THOMAS
Deputy Summit County Attorney

COMMISSIONERS VOTED:

RICHINS Aye
(AYE OR NAY)

SCHIFFERLI Aye
(AYE OR NAY)

CONE Aye
(AYE OR NAY)