

Midway City Council  
19 February 2019  
Regular Meeting

Ordinance 2019-04 /  
Snow Removal and Fire Hydrants



## CITY COUNCIL MEETING STAFF REPORT

**DATE OF MEETING:** February 5, 2019  
**NAME OF APPLICANT:** Midway City  
**AGENDA ITEM:** Code Text Amendment of Title 8

### **ITEM: 7**

Midway City is proposing a Code Text Amendment of Midway City's Municipal Code of Title 8.05.090 Removal Near Mailbox Receptacle and Fire Hydrant. The City would like to adopt requirements for snow removal around fire hydrants.

### **BACKGROUND:**

This item was continued from the February 5<sup>th</sup> meeting so staff could amend the proposal based on comments from the City Council. There were two items to address. The first was the issue of liability to damage of property in the City's right-of-way and the second was to separate the language for snow removal around fire hydrants and the language for snow removal from around mailboxes.

Staff has researched the code and found that in at least two places in Title 8 references that the City is not liable for damages to property in the right-of-way. Both Sections 8.04.030 and Section 8.05.050 cover this issue. For example, 8.05.050 states the following:

***Section 8.05.050 Improvements in Public Right-of-way During City Snow Removal***

*No improvements or landscaping shall be placed or allowed to remain in a City right-of-way in such a manner that may affect or interfere with City snow removal. Notwithstanding any other provisions contained in this ordinance, the City is not responsible or liable for damage or destruction*

*caused by the City or any other person or entity to sprinklers, mailboxes, lights, plants, trees, shrubs, landscaping or other improvements of any kind located within the public right-of-way, regardless of whether or not such improvements comply with this ordinance.*

Regarding the language for snow removal around mailboxes, the current code states the following:

**Section 8.05.090 Snow Removal Near Mailbox Receptacle**

It shall be the duty of every property owner to monitor, uncover and remove accumulated snow and windrows of snow from over and around the owner's mailbox. The mailbox area shall be uncovered for a distance of not less than three feet on all sides.

Staff is proposing the following language:

**Section 8.05.090 Snow Removal Near Mailbox Receptacle**

It shall be the duty of every property owner to monitor, uncover and remove accumulated snow and windrows of snow from over and around the owner's mailbox. If the snow is not removed in a manner that the postal delivery employee can access the mailbox then mail may not be delivered, at the postal delivery employee's discretion, to the inaccessible mailbox.

**Section 8.05.100 Snow Removal Near Fire Hydrant**

It shall be the duty of every property owner to monitor, uncover and remove accumulated snow and windrows of snow from over and around any fire hydrant located in front of or adjacent to the owner's property. The fire hydrant area shall be uncovered for a minimum distance of not-less than three feet on all sides. Snow removal must occur within twelve hours from the end of each snow storm. Failure to remove snow around fire hydrants as described in this Code shall be punishable by a fine not to exceed the maximum Class B misdemeanor fine under Utah state law.

**ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council feels that the proposed language is an acceptable amendment to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings

2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
3. Denial. This action can be taken if the City Council feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial



## ORDINANCE 2019-\_\_\_\_

### **AN ORDINANCE AMENDING TITLE 8.05.090 REGARDING THE REMOVAL OF SNOW NEAR MAILBOX RECEPTACLES AND FIRE HYDRANTS, AND RELATED MATTERS.**

**WHEREAS**, the City Council of Midway City desires to amend the Midway City Code regarding the removal of snow near mailbox receptacles and fire hydrants; and

**WHEREAS**, the addition of the language contained herein will improve safety and make the provision of municipal type services more efficient during snow months; and

**NOW THEREFORE**, for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

**BE IT ORDAINED**, by the City Council of Midway City, Wasatch County, State of Utah:

Section 8.05.090 of the Midway City Code is hereby amended to read as follows:

#### **Section 8.05.090 Snow Removal Near Mailbox Receptacle**

**It shall be the duty of every property owner to monitor, uncover and remove accumulated snow and windrows of snow from over and around the owner's mailbox. If the snow is not removed in a manner that the postal delivery employee can access the mailbox then mail may not be delivered, at the postal delivery employee's discretion, to the inaccessible mailbox.**

#### **Section 8.05.100 Snow Removal Near Fire Hydrant**

**It shall be the duty of every property owner to monitor, uncover and remove accumulated snow and windrows of snow from over and around any fire hydrant located in front of or adjacent to the owner's property. The fire hydrant area shall be uncovered for a minimum distance of not-less than three feet on all sides. Snow removal must occur within twelve hours from the end of each snow storm. Failure to remove snow around fire hydrants as described in this Code shall be punishable by a fine not to exceed the maximum Class B misdemeanor fine under Utah state law.**

This ordinance shall be effective immediately upon passage. A copy of this ordinance shall be posted at each of three (3) public places within the corporate limits of Midway City and a summary published in a paper of local circulation.

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

	AYE	NAY
Council Member Ken Van Wagoner	_____	_____
Council Member Lisa Christen	_____	_____
Council Member Bob Probst	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Jared Simonsen	_____	_____

APPROVED:

(SEAL)

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brad Wilson, City Recorder

\_\_\_\_\_  
Corbin Gordon, City Attorney