

Ordinance No. 2023-02

AN ORDINANCE TO REPEAL SECTIONS 3.0214, 3.0215, AND 3.0216 OF THE GARRISON MUNICIPAL CODE REGARDING SNOW REMOVAL:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARRISON, MCLEAN COUNTY, NORTH DAKOTA, AS FOLLOWS:

3.0214. Depositing of Snow or Ice on City Streets or Sidewalks Prohibited.

1. No person shall deposit or cause any snow or ice to be deposited upon or against:
 - a. any city street or sidewalk.
 - b. public or private property so as to create a traffic hazard or to interfere in any manner with the vision or view of a driver of a motor vehicle or pedestrian at or near street intersections or where traffic merges or near school/pedestrian crossings.
 - c. any fire hydrant or traffic signal control device or traffic sign or appurtenance; or any loading and unloading area of a public transportation system or emergency access land.
2. No person shall deposit any snow or ice removed from any parking lot, filling station area, driveways, or from any other private property upon any public or city property or city street or sidewalk.
3. This Ordinance shall not apply to:
 - a. Snow shoveled from sidewalks to the street or alley in the downtown business district, provided the downtown property has no place other than the sidewalk and street to put the snow.
 - b. City Employees, while in the course of their employment for the city, may place snow on the streets or alleys while removing snow from the city.

3.0215. Street Cleaning – Snow Removal

Whenever the City's Mayor, governing body, or director of public works deem it necessary to clear snow or ice, or clean streets using sweepers or other methods, the City's ordinances that regulate parking of automobiles, trucks, and other motor vehicles will be suspended. During this time, it will be unlawful to park or leave any automobile, truck, or motor vehicle on these streets pursuant to the following regulations:

1. The snow and ice removal ordinance applies from Oct. 1 through April 15, and any other time if declared an emergency by the city, which shall be known as the snow removal season.
2. During this time, no vehicle, truck, trailer, equipment, or other personal property of any kind may be parked on any street designated on the snow emergency route.

3. The following streets or portions of streets are hereby designated as Snow Emergency Routes and will be the first routes cleared by the city after any snow event. This route provides emergency access to the Garrison hospital and BLC nursing home, and is considered a priority for snow removal, street sanding, and ice removal. The city shall post signs along this route designating it an Emergency Snow Route, which is described as:
 - a. From railroad tracks south on Trooper Ave. to 2nd Ave. SE.
 - b. East on 2nd Ave. SE to 5th St. SE.
 - c. North on 5th St. SE to 4th Ave. NE.
 - d. East on 4th Ave. NE to 6th St. NE.
 - e. North on 6th St. NE to 5th Ave. NE.
 - f. West on 5th Ave. NE to 5th St. NE.
 - g. North on 5th St. NE to 6th Ave. NE.
 - h. West on 6th Ave. NE to 2nd St. NW
 - i. South on 2nd St. NW to Trooper Ave.
4. Priorities after Emergency Routes. After clearing the streets comprising the snow emergency routes, the following will be cleared in the listed order of priority:
 - a. the parking lot on the north side of City Hall and the Central Ave. area between Trooper Ave. and Main Street on the south side of City Hall; and
 - b. secondary streets (non-emergency routes); and
 - c. all other areas not previously stated will be cleared as weather, equipment, and time allow.
5. In the case of a snow event, all vehicles, trucks, trailers, equipment, and other personal property stored or resting upon the public streets must be removed therefrom by 7:00 A.M. the day following any snow event to allow snow removal equipment to operate without obstruction.

3.0216. Penalty.

The penalty for violating section 3.0214 shall be a fine in an amount to be established periodically by resolution of the city council. For a third or subsequent violation, the city may impound the vehicle that is the subject of the violation and shall assess all costs incurred to the owner or operator, which shall be in addition to the required fine. In determining whether a violation is a first, second, third, or subsequent offense, only violations cited during the current snow removal season shall be considered.

In prosecuting parking violations of this section proof that the vehicle listed in the complaint was parked in violation of this section and that the defendant was the registered

owner of the vehicle, gives rise to a rebuttable presumption that the defendant was the person who parked the vehicle in violation of this section.

WHEREUPON, the Motion was passed and the ordinances declared adopted this
1st day of MAY, 2023.

First Reading: April 3,2023

Voting Aye: Jeffers, Diffely, Reinarts, Jeffrey, Olson

Voting Nay: None

Second Reading: May 1, 2023

Voting Aye: Jeffers, Diffely, Reinarts, Olson, Iglehart

Voting Nay: None

Passed and Approved: May 1,2023

Published (if necessary): _____

City of Garrison

ATTEST:

Stu Merry, Mayor

Diane Affeldt, City Auditor