



## ORDINANCE NO. 19-005

**AN ORDINANCE AMENDING TITLE 6, MOTOR VEHICLE AND TRAFFIC, CHAPTER 2A PARKING. SECTION 7 SEASONAL PARKING REGULATIONS. ESTABLISHING CHAPTER 6 RESIDENTIAL SNOW REMOVAL REGULATIONS IN TITLE 4 HEALTH SANITATION AND ENVIRONMENT OF THE BRIAN HEAD TOWN CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Brian Head Public Works Director has reviewed the amended Snow Removal Policy and determined parking and residential snow removal regulations stemming from the snow removal policy would be implemented into the Brian Head Town Code, and;

**WHEREAS**, the Brian Head Town Council adopted Ordinance No. 08-018 in 2008 establishing the Parking Code for the town; and,

**WHEREAS**, the Brian Head Town Council determined it would be in the best interest of its citizens to establish a new chapter 6, Residential Snow Removal Regulations in Title 4, Health, Sanitation and Environment, of the Brian Head Town Code; and,

**WHEREAS**, the Brian Head Town Council has determined that it is in the best interest of the public health, safety, and welfare of Brian Head Town that Title 4, Chapter 6: Residential Snow Removal Regulations be established and Title 6, Chapter 2A.7: Seasonal Parking Regulations be amended.

**NOW THEREFORE, BE IT ORDAINED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1. Title 4, Health Sanitation and Environment, Chapter 6 Residential Snow Removal Regulations** be established as follows: Title 6, Motor Vehicle and Traffic, Chapter 2A.7 Seasonal Parking Regulations be amended as follows:

### **Chapter 6**

#### **RESIDENTIAL SNOW REMOVAL REGULATIONS**

##### **4.6.1: PURPOSE**

##### **4.6.2: RESIDENTIAL CLEARING OF SNOW**

##### **4.6.3: PENALTIES**

##### **4.6.1: PURPOSE**

The purpose of this chapter is to preserve the public peace and good order in the Town, and to contribute to the public welfare, safety and good order of its citizens and guests and to contribute to the safe conveyance of its citizens and guests over the streets and access to their property.

##### **4.6.2: RESIDENTIAL CLEARING OF SNOW**

- A. Snow from private property may not be deposited, piled or stored on any Town streets/roads, rights-of-way, or utility easements.
- B. It shall be unlawful for any person to deposit, pile or store snow on another private property without written permission from that property owner. Written permission must be submitted to the Town in advance.
- C. It shall be the responsibility of the property owner to provide sufficient area within their property bounds to store any and all snow which accumulates on their property.
- E. Every owner and occupant, jointly, of any lands, premises or buildings fronting upon any street or public place in the Town shall, upon notification of the Code Enforcement Officer, be required to immediately remove any snow placed or piled contrary to this provision or face penalties/fines set forth.
- F. It shall be unlawful to deposit, pile or store snow in a manner which buries or renders inaccessible any Town markers within the Town rights-of-way or any fire hydrant or public utilities in or out of a public right of way.

#### **4.6.3: PENALTY**

- A. Any person who willfully violates any provision of this Chapter shall be subject to administrative fines identified in the Consolidated Fee Schedule.
- B. Any person who violates any provision of this chapter on three separate occasions shall be guilty of a Class B misdemeanor and upon conviction in a court, subject to penalty as provided.
- C. Persons operating a business and has accumulated three or more offenses may be subject to the business license being suspended or revoked.

**SECTION 2. Title 6, Motor Vehicle and Traffic, Chapter 2A.7 Seasonal Parking Regulations** be amended as follows:

#### **6-2A-7: SEASONAL PARKING REGULATIONS:**

- A. Special Winter Limitations: Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate the snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:
  - 1. It shall be unlawful to park any vehicle on any street during **the winter season beginning November 1<sup>st</sup> and running until April 30<sup>th</sup>.** ~~snow removal operations. Vehicle operators should assume that snow removal operations are imminent during and after periods of snow.~~
  - 2. Additional parking limitations may be posted by signs stating the nature and effective period for the additional regulations.

B. Obstructing Snow Removal Prohibited: No person shall park any vehicle or place any object that interferes with the snow plowing or snow removal efforts on any street. (Ord. 08-018, 10-28-2008)

**SECTION 3. Effective Date.** Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this ordinance shall be incorporated. All provisions of the Brian Head Public Works Standards for Construction Manual that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions of the Brian Head Public Works Standards for Construction Manual shall remain in full force.

**SECTION 4. Conflict.** To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

**SECTION 5. Severability Clause.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this 24<sup>th</sup> day of June 2019, with the following vote.**

**Town Council Vote:**

Mayor Clayton Calloway	Aye
Council Member Larry Freeberg	Absent
Council Member Lynn Mulder	Aye
Council Member Shad Hunter	Aye
Council Member Kelly Marshall	Aye

**BRIAN HEAD TOWN**

By:   
Clayton Calloway, Mayor

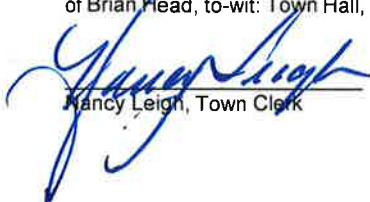
**ATTEST:**

  
Nancy Leigh, Town Clerk



**CERTIFICATE OF PASSAGE AND POSTING**

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 24<sup>th</sup> day of June 2019, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

  
Nancy Leigh, Town Clerk