

SNOW BERMS

We've had complaints about the berms left by the snow plows in our road district. The Board would like to clarify the position of Special Road District No. 8.

We live in a beautiful winter wonderland with significant snow most winters. Unlike many neighborhoods around us, we have a road district that removes snow from our roads when it is six inches deep or undriveable. We rely on contracted snow removal services that have the equipment and experience that most of us perhaps don't have. Our road district budgets about \$10,000 a year for snow plowing, but this budgeted amount does not include clearing berms.

LAW REGARDING BERMS

There is no state or county law that requires the removal of snow berms by the company or agency contracting to do the snow removal on the road. We checked with the Deschutes County Road Department and their plows do not remove berms either. We checked with the La Pine Fire Department and laws requiring "clear access" for emergencies. Clear access for emergencies pertains to only public buildings (*not private residences*) and is the responsibility of the owner of the property, not road districts, ODOT, or the county road departments.

Deschutes County offers a "Berm Permit" process whereby residents covered by the county roads department can apply to have berms removed. To acquire a Berm Permit the resident must be 1) medically unable to remove the berm AND 2) must qualify as low income. The low income level is \$18,500 per year or less. Our streets are not maintained by the Deschutes County Road Department; therefore, the Berm Permit offered by Deschutes County is not available to homeowners within Special Road District No. 8.

SPECIAL ROAD DISTRICT NO. 8 BY-LAWS

Our By-Laws state that berms left in driveways by our snow plows are the responsibility of the property owner to remove. It doesn't matter where the berm is located. The berm can be anywhere within the road district easement between the road surface and your property line. If it is blocking your driveway, it is your responsibility to remove the berm. (Our By-Laws can be viewed here: [ByLaws+p.6.pdf \(specialdistrict.org\)](#) The relevant rule is Article 10, #3)

As a service to our oldest, most medically vulnerable AND those with the least amount of resources (income), we have a service for plowing their driveways when we plow the roads. We are currently reviewing this service in relation to the county's Berm Permit process. If you would like to serve on a committee reviewing this, please let us know [Contact Us with your questions or comments - Special Road District #8 \(specialdistrict.org\)](#).

EMERGENCY SERVICES

Were you to have an emergency, our La Pine Fire Department Emergency equipment can breach berms to reach you. If for some reason they cannot get close to your house, they walk in to assist you.

The La Pine Fire Chief writes:

The fire district has some 4x4 equipment, tire chains, lengthy hoses and will always do whatever it can in a time of emergency, even shovel out a fire hydrant or snow berm. But the responsibility to provide 24/7/365 access (emergency or otherwise) is always on the property owner.

FIRE CODES

The La Pine Fire Chief writes that:

The fire codes that apply to public and commercial buildings - those must maintain "clear access" for private fire lanes, hydrants, and exits - could certainly be interpreted as requiring "snow removal" but

this again is only for buildings the general public occupy – schools, libraries, stores, etc. Then the property owner is still responsible. Not DOT, road district, or anyone else.

I am also unaware of any laws that require the road department or contractors to remove snow berms from driveway accesses, mail boxes, sidewalks, fire hydrants, etc. again that befalls the individual property owner to provide and/or specify to their contractor. Some road districts, and especially HOAs may contract or provide for such as an extra service, but again it is not a mandate.

THE BOARD MEMBERS ARE HERE TO LISTEN TO YOU

When you call a board member, please remember that we are volunteers. We don't get paid. We are your neighbors with the knowledge and experience of the average person. That may be less than you have. If you would have information or knowledge to share or would like to be involved, please attend meetings and consider running for the board.