

**CREDIT RIVER TOWNSHIP
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2006-03

**ORDINANCE REGULATING THE CONSTRUCTION
AND MAINTENANCE OF DRIVEWAYS/CULVERTS
WITHIN THE TOWNSHIP**

CREDIT RIVER TOWNSHIP, SCOTT COUNTY, MINNESOTA HEREBY ORDAINS:

1. All parts of ordinances in so far as they are inconsistent with the provisions of this Ordinance are hereby repealed.
2. All construction of driveways, approaches, culverts, and other activities in public Township rights-of-way undertaken after the date of enactment of this ordinance, must comply with the terms of this ordinance.

Section 1. Authority.

This ordinance is adopted pursuant to Minn. Stat. Chapter 462 and the Township's police powers.

Section 2. Purpose.

The purpose of this ordinance is to promote the public safety, the general welfare of the community and to enforce the goals and policies of Credit River Township. This ordinance applies to the construction or modification of private driveways located within Credit River Township that provide access to buildings constructed or to be constructed after the effective date of this ordinance.

Section 3. Definitions.

"Driveway" is defined as a road or path giving access from a public highway or private road to one or more dwelling units or commercial buildings located or to be constructed on adjacent lands.

"Field Approach" is defined as a path or access route from a public road to an adjacent field or pasture.

Section 4. Permit Required.

- A. That all persons seeking to construct a new driveway, new field approach or to convert an existing field approach to a driveway must apply for and obtain a driveway/culvert permit from the Town Board prior to commencing construction. Only one driveway access or field approach to the property shall be allowed without the permission of the Town Board.
- B. Every application for an access driveway/culvert permit shall provide such information as the Town Board may require.
- C. No driveway/culvert permits shall be issued to persons not in compliance with the terms of this Ordinance.

Section 5. Conditions of Permit.

- A. No work under this Provision is to be started until the Town Board or its designee approves the access driveway or entrance permit application and all applicable fees and escrow deposits have been received by the Township.
- B. All work performed by the applicant covered by this ordinance shall comply with all specifications:

1. Private driveways will be at least 20 feet wide, and not more than 28 feet wide, at the intersection with the township road. *Only one driveway shall be allowed per parcel.*
 2. All culverts shall be at least 15 inches in diameter, at least 28 feet long, with flared ends. The Township Engineer may specify a larger culvert. All culverts shall be new and shall be constructed of galvanized steel.
 3. The invert of the Culvert must be at least 3 inches below the edge of the blacktop, unless otherwise approved by the Township Engineer.
 4. A driveway must contain at least 4 to 6 inches of 3" clear rock for at least 50 feet from the Township road before any footings are poured for construction on the site.
- C. No driveway shall cross a wetland unless the wetland permit has first been obtained.
 - D. No obstructions shall be constructed or planted in the township right of way. (Obstructions include, but are not limited to, retaining structures, posts, trees, shrubs and other such items.) Mailboxes and support posts may be located within the Township right of way, however the Township is not responsible for damage to mailboxes or posts during maintenance or snowplowing.
 - E. The applicant shall allow such persons, as the Town Board shall designate to enter onto their property to inspect prior to the issuance of the permit, during the progress of the work and the finished work.
 - F. Unless a written extension of time has been granted by the Township, if work is not completed within 6 months of the date of issuance of the permit, any driveway or entrance permit, which has been granted under this ordinance, is void and the permit fee and escrow deposit are forfeited and applicant must reapply for a permit should they wish to continue with work covered under this ordinance.
 - G. If required by the Township, the applicant shall provide and install the necessary pipe and aprons for the driveway or entrance pursuant to the Township's specifications.
 - H. The applicant shall construct, install, build and gravel said driveway prior to construction of the home or any other building on the property on which the driveway is to be located.
 - I. The applicant shall furnish and place all soils needed in the construction or reconstruction of the driveway and/or entrance embankment.
 - J. The applicant will surface with gravel that portion of the driveway or entrance within the road right of way.
 - K. The applicant may surface that portion of the driveway within the road right of way using materials other than gravel provided the applicant has obtained the approval of the Town Board prior to the start of the work. This surfacing shall be at the applicant's expense.
 - L. Where work on the traveled roadway is necessary, traffic must be protected, and signing and proper barricades must be utilized.
 - M. Dirt or debris are NOT ALLOWED on Township roads and shall be removed within 24 hours of placement or notice to do so whichever is earlier. If an applicant fails to comply with this section, the Town Board may remove the dirt or debris itself and charge the cost of clean up against the deposited escrow

money. Costs incurred by the Township to clean up the street in excess of the deposited escrow money may be assessed to the offending property owner pursuant to Minnesota Statutes §429.101.

- N. The roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- O. The applicant must place stakes in exact location of the proposed driveway prior to review by Town Board or its designee, and again prior to culvert delivery.
- P. Applicant shall construct only one driveway per parcel of land.
- Q. Applicant shall be responsible for cleaning and maintenance of any culvert installed under this ordinance. Should applicant fail to comply with this requirement, the Township may assess the cost of any maintenance to the applicant pursuant to Minnesota Statutes §429.101.
- R. If any excavation is to take place "Gopher State One Call" is to be notified at (800) 252-1166 prior to start of construction.
- S. After construction is completed, the driveway shall remain clean and free of debris at all times. Any debris deposited on the driveway or roadway shall be removed immediately.

Section 6. Inspection of the work, escrow amount and fees.

- A. Every new driveway or field approach shall be required to have an inspection both prior to the start of the work and after the work is completed. It shall be the responsibility of the applicant to arrange for these inspections.
- B. Applicant shall provide to the Township for deposit in an escrow fund, \$900 for any costs incurred by the Township relating to completing the construction of the driveway or installation of the culvert including, but not limited to, repairing damage to any roadways as a result of the construction of the driveway and the installation of the culvert, turf establishment and removing an unacceptable driveway. The escrow amount shall be collected even if there is an existing driveway on the property. If additional escrow is required or bills incurred beyond the escrow amount, applicant shall be billed directly for such costs and applicant agrees to furnish additional monies as requested by the Township. Any amounts not utilized from this escrow fund shall be returned to the applicant, without interest, when all improvements have been completed, all financial obligations to the Township have been satisfied, and the Town Board has approved the final inspection.
- C. Applicant shall provide to the Township with a nonrefundable permit application fee of \$50 (in addition to the escrow deposit) to cover the Township's inspection costs. However, if the applicant installs the driveway prior to scheduling an inspection by the Township, the applicant shall provide to the Township an additional fee of \$50 (in addition to the \$50 permit application fee) to cover the Township's additional inspection and administrative costs.
- D. Prior to construction of the driveway and installation of the culvert, the applicant shall meet with a township supervisor or their designate at the site.
- E. No changes or alterations in the approved construction may be made at anytime without the written consent of the Town Board or its representative.
- F. If at the time of final inspection, the driveway and related grading and turf establishment is found to be acceptable any remaining escrow deposit shall be refunded, without interest, at the next Township Board meeting.

- G. Unless a written extension of time has been granted by the Township, if the Town Clerk is not notified within one year of the permit being issued that the work has been completed and is ready for inspection, the permit will be deemed null and void and any escrow deposit will be forfeited to the Township.

Section 7. Indemnification.

- A. The applicant, his successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to release Credit River Township, its officers and agents, from any and all liability and claims concerning the herein above described permit request, construction of the subject work, and the finished driveway or entrance.
- B. The applicant, applicant's successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to hold harmless, indemnify and defend Credit River Township, its officers and agents, from any and all liability and claims concerning the herein above described permit request, the construction of the subject driveway or entrance work, and the finished driveway or entrance, and further shall be deemed to have consented to the assessment of clean-up costs as set forth in this ordinance.
- C. The Township shall have no responsibility to repair a driveway which encroaches upon a public right-of-way that is damaged during the course of Township maintenance of the roadway.

Section 8. Violation.

- A. In the event of a violation of this ordinance, the Town Board may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations.
- B. Further, violation of this ordinance shall be grounds for the immediate revocation of the access driveway or entrance permit and/or imposition of a civil fine not to exceed \$500 at the discretion of the Town Board.
- C. Each day of violation of this ordinance shall be deemed a misdemeanor for which the Township may bring prosecution. In the event of a successful prosecution, then the prosecution costs may be added to any fines or penalties imposed by the Court, all as provided by statute. The maximum penalty shall be the same as the maximum penalty provided by Minnesota law for misdemeanor violations.

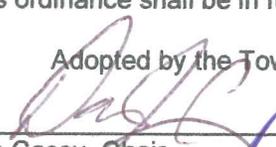
Section 9. Separability.

It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following: If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

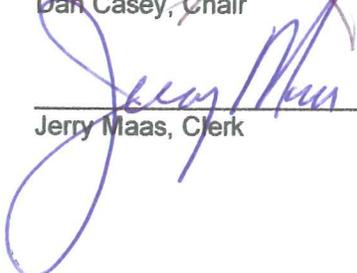
Section 10. Effective date.

This ordinance shall be in full force and effect from and after its passage and publication.

Adopted by the Town Board of Credit River Township, this 4th day of December, 2006



Dan Casey, Chair



Jerry Maas, Clerk