

BECKER TOWNSHIP
SHERBURNE COUNTY
STATE OF MINNESOTA

ORDINANCE NO 500
THE TOWN BOARD OF BECKER, SHERBURNE COUNTY, STATE OF
MINNESOTA, DOES HEREBY ORDAIN:

ORDINANCE GOVERNING PRIVATE AND PUBLIC DRIVEWAY
ROAD APPROACHES TO BECKER TOWNSHIP ROADS

SECTION ONE

AUTHORITY / PURPOSE

The Becker Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapters 160, 164, and 462, enacts the following rules and regulations for the purpose of protecting the health, safety and welfare of the citizens in Becker Township by governing and providing standards for private and public driveway entrances which enter onto Becker Township's public road system. This ordinance puts forth those standards for driveway approaches with the public safety and welfare in mind.

SECTION TWO

GENERAL PROVISIONS AND CONDITIONS

2.1. DESIGN

The following standards shall apply when considering a driveway entrance onto an existing Township road:

- 2.1.1. A driveway shall intersect the Township road at a right angle. Width and spacing of residential and commercial driveways shall conform to current Township Engineering Standards.
- 2.1.2. Mailboxes and support posts may be located within the Township road right-of-way in accordance to Township Standards. However, the Township is not responsible for damage to mailboxes or posts during road maintenance or snow plowing.

2.2. CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS

The following rules will apply to construction and maintenance of driveway entrances onto an existing Township road:

- 2.2.1 All work done on Township road right-of way is subject to approval by the Township Road Authority or the Town's duly authorized representatives. All culverts shall conform to standards specified in the current Township Engineering Standards.
- 2.2.2 No driveway entrance shall cross a wetland unless a wetland permit has been obtained in advance from Sherburne County.
- 2.2.3 Proper and adequate drainage facilities shall be provided as required by the Township. Modifications to the present ditch system may not be done without prior Township approval. No obstructions shall be constructed or planted in the Township right-of-way (33 feet from centerline of road). Obstructions include but are not limited to the following: retaining structures, posts, trees, shrubs, and other such items. Property owners are hereby notified that the Township may remove any such obstruction at any time, without prior notice and that the Township may assess all costs related to removal against the affected property, as well as pursue any other legal remedies available against the offending property owner.
- 2.2.4 The driveway must be constructed with, at a minimum, four to six inches (4 to 6 inches) of class 5 aggregate or approved equal. (i.e. pavement, concrete driveway, etc.) In the event that a temporary driveway is used for access to the property, the Township may require additional aggregate or material be used to reinforce the driveway at its intersection with a public road if the Township determines that use of the temporary driveway as constructed is causing damage to the roadway.
- 2.2.5 In order to provide adequate displacement for matching grades with future town road resurfacing projects, concrete driveways shall be constructed to terminate three feet from the existing edge of bituminous roadway or 15 feet from centerline, whichever provides the greatest distance from centerline. The area between the edge of concrete and the edge of bituminous roadway shall be surfaced with bituminous pavement.

If the landowner so chooses to place concrete to the edge of existing or proposed bituminous roadway, a construction joint shall be installed at three feet from the edge of bituminous or 15 feet from centerline, whichever provides the greatest distance from centerline. The landowner is advised should any future resurfacing projects occur; the concrete between said joint and the edge of bituminous will be removed and replaced with bituminous pavement.

- 2.2.6 In the event of a town road resurfacing project along an existing concrete driveway constructed to the edge of bituminous roadway, the existing concrete driveway will be sawcut and removed to three feet from the edge of roadway in

order to provide for a grade match. The removal area will be resurfaced with bituminous pavement.

- 2.2.7 No foreign material such as dirt, gravel, clumps of clay, mud, sand, soil washings, building materials or bituminous materials shall be left or deposited on the Township road during construction of driveway or installation of drainage facilities. Failure to clean up such dirt and debris or any damage to the roadway, or portions of the right-of-way due driveway related construction, may result in forfeiture of the driveway construction deposit.
- 2.2.8 Driveway construction shall occur prior to or at the time of basement excavation if the driveway is constructed for purposes of access to a proposed dwelling or other structure. Driving randomly off the blacktop is not permitted. The cost of repair to Township roads and ditches will be billed to the property owner.

2.3. REQUIREMENTS

An application for a driveway entrance permit, along with the permit fee, shall be delivered to the Township prior to commencement of construction of a driveway entrance onto a Becker Township road. The permit shall include a fee for the permit and a driveway construction deposit to assure satisfactory completion of the construction.

The driveway permit fee and construction deposit shall be set from time to time, by a resolution of the Town Board.

2.4. INSPECTION PRIOR TO CONSTRUCTION

- 2.4.1. Upon receipt of application, the driveway entrance location will be inspected to determine culvert requirements.
- 2.4.2. If the driveway location is satisfactory and no culvert is required, the approval notice will indicate said fact.
- 2.4.3. When work on a driveway approach is commenced, traffic on the Township road must be protected, and flags and/or proper barricades must be placed in accordance with the most current edition of the standards used in the Minnesota Manual on Uniform Traffic Control Devices, which is on file at the Township Hall.

2.5. FINAL INSPECTION

- 2.5.1. Upon completion of the driveway approach and/or culvert installation, including turf restoration, (or at a more appropriate time as determined by the Township) the approach shall receive a final inspection by the Township. Refund of the driveway construction deposit shall be made only after final inspection and approval.
- 2.5.2 The time of final inspection may be delayed for a reasonable period of time if the Township determines that it is likely that heavy construction activity is likely to occur immediately after driveway construction, which could materially affect the driveway or damage Township roads.

- 2.5.3 The deposit shall be returned to the applicant after a satisfactory final inspection, unless otherwise set forth in this ordinance. If construction of the driveway approach does not pass final inspection, the driveway construction deposit may be used by the Township to complete the installation, or to remove an unacceptable driveway approach placement.

SECTION THREE

ENFORCEMENT OF ORDINANCE

3.1. TOWN BOARD.

The Town Board, the Board's designee (i.e. Township Road Authority, or duly authorized representatives) shall enforce this ordinance.

3.2. ENFORCEMENT

The duly authorized representative shall institute appropriate action for any violations of this ordinance at the direction of the Board and through the Township Attorney, as deemed necessary.

3.3. WRITTEN NOTICE

Whenever the town Board or the Board's designee (i.e. Township Road Authority, or duly authorized representatives) determines that a violation has occurred or exists on property within the township, the owner or occupant of such property shall be notified of the fact in writing. The notice shall be served in person or by certified or registered mail. If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail.

3.4. THIRTY DAYS WRITTEN NOTICE.

A written notice shall specify the violation and the steps required to correct said violation and the time, not to exceed thirty days (30 days) within which the corrections must be completed. If the violation is not corrected, then the Township may take actions necessary to bring the violation into compliance and seek redress.

3.5. APPEALS.

A person served with a written notice may appeal to the Town Board for a hearing. A hearing notice shall be given at least ten days (10 days) prior to the date of the hearing before the Town Board and will be served in the manner as described above. In order to expedite matters, the Township may at its discretion, include notice of the aforementioned hearing in the original notice of violation.

3.6. HEARING.

If after conducting a hearing on the matter the Town Board determines that correction of the violation is necessary to protect the public health, safety and welfare, then the Township may correct the violation, or cause the same to occur, in any manner and using any method that it finds appropriate.

3.7. PROSECUTION.

Any person who violates a Section, Subdivision, paragraph, or provision of this shall be subject to prosecution. Each day of non-compliance with any terms of this ordinance shall be considered a separate violation and a separate criminal act.

SECTION FOUR

PENALTIES

4.1. PENALTIES.

Any person, firm or corporation who shall violate any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be punished by a fine not to exceed one thousand dollars (\$1000) or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense. The owner of the subject property and any contractor(s) involved shall be considered jointly liable.”

4.2. CIVIL REMEDIES.

The Township may, at its discretion, seek any civil remedies available to it as well, including injunctive relief and reimbursement of all costs and disbursements, including Attorney’s fees expended by the Township in enforcing this ordinance. In addition, if after proper notice to property owner the Township must cause the removal of obstructions from the Township right-of-way, any costs incurred by the Township may be assessed against the affected property pursuant to Minnesota Statue 429.101.

4.3. OTHER REMEDIES.

Each right or remedy accruing to the Township under this ordinance or at law is separate and distinct and may, at the Township’s discretion, be exercised independently or simultaneously with any other right or remedy.

SECTION FIVE
AMENDMENTS OR CHANGES

5.1. HEARING.

The Board may from time to time amend this ordinance by publishing notice and conducting a hearing.

5.2. PROCESS.

Thirty-calendar days (30 days) notice shall be provided before any amendments or changes to this ordinance are adopted by the Board. Two weeks published notice in a qualified newspaper will be required prior to the hearing on the ordinance. Any party may be heard at the hearing or through written comment addressed to the Becker Township Board of Supervisors.

5.3. EFFECTIVE DATE.

The proposed amendment or change to this ordinance will become effective upon adoption and publication by the Becker Town Board of Supervisors.

SECTION SIX
VALIDITY AND SEVERABILITY

The invalidity of any Section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance, which can be given effect without such invalid part or parts.

SECTION SEVEN
EFFECTIVE DATE

This ordinance, its rules and regulations shall take effect and be in full force immediately following its adoption and publication by the Becker Township Board of Supervisors.

ADOPTED this 15 day of December 2014 by the Town Board of Supervisors of Becker Township.

Gary Hammer _____

Joe Danielson _____

Brian Kolbinger _____

Brad Wilkening _____

Jamie Johnson _____

BECKER TOWNSHIP

Gary Hammer, Chair

Lucinda Messman, Town Clerk