

**SPRING LAKE TOWNSHIP
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 14-001

**ORDINANCE REGULATING THE CONSTRUCTION
AND MAINTENANCE OF ROADWAY ACCESS PERMITS
INCLUDING DRIVEWAYS AND CULVERTS WITHIN THE TOWNSHIP**

SPRING LAKE TOWNSHIP, SCOTT COUNTY, MINNESOTA HEREBY ORDAINS:

1. Ordinance No. 06-002 is hereby repealed and replaced with this Ordinance No. 14-001.
2. All construction of driveways, field approaches, culverts, and other activities within the Township's public rights-of-way commenced pursuant to a permit application filed 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 Spring Lake Township. This ordinance applies to the construction, installation, or modification/repair of driveways, field approaches, culverts and other activities within Spring Lake Township public rights of way 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 township road or cartway to one or more dwelling units, accessory buildings or commercial buildings located or to be constructed on abutting lands.

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

Section 4. Permit Required.

- A. All persons seeking to construct a new driveway, new field approach or to convert an existing field approach to a driveway, or install a new or repair an existing culvert located within a township right of way must apply for and obtain a driveway/culvert permit from the Town Board prior to commencing construction. Except as provided herein, 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. 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.
- C. Unless a written extension of time has been granted by the Town Board, if work is not completed within 6 months of the date of application for approval, any driveway or entrance permit, which has been granted under this ordinance, shall expire and the escrow deposit is forfeited.
- D. 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.
- E. The applicant shall comply with all specifications as shown on attached Exhibit A.
- F. The applicant shall furnish and place all soils and materials needed in the construction or reconstruction of the driveway and/or entrance embankment and any necessary culvert to provide for proper drainage within the Township road right of way. A driveway or field approach to a township road with a posted speed limit of 40 mph or more shall be constructed to provide a 6:1 slope or less on each side of the driveway or field approach which is within the public right of way. A culvert newly constructed, modified or repaired after the date of the effective date of this ordinance shall be constructed to provide the culvert apron be at a 6:1 slope or less.
- G. 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 or its designee prior to the start of the work.
- H. The driveway must be constructed in such a way as to prevent water or debris from running from the driveway onto a Township road. Therefore, the driveway must slope away from the Township road a minimum of 6 inches within the road right-of-way. If it is not possible, due to the contours of the property, to construct a 6 inch back slope in the driveway within the road right-of-way, the Township may require that the driveway be paved to the top of the slope.
- I. Where work on traveled roadway is necessary, traffic must be protected, and signing and proper barricades must be utilized pursuant to the Minnesota Manual of Uniform Traffic Control Devices.

- J. Dirt or debris from driveway/access construction activities are NOT ALLOWED on Township roads and shall be removed within 24 hours of placement or within 3 hours notice to do so by the Town Board or its designee 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.
- K. The roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- L. 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.
- M. Except as provided herein, one driveway or field approach per lot or parcel of land shall be permitted. Two driveways may be permitted provided all the following requirements are met:
1. The driveways shall serve a lot or parcel that is 2.5 acres or more in size;
 2. The second driveway does not take access to a Township collector road;
 3. The lot or parcel has a minimum road frontage of 200 feet;
 4. The second driveway is for the sole purpose of access to an accessory structure on the lot or parcel and is separate from and not connected with the other driveway on the lot or parcel; and
 5. The property owner demonstrates that a second driveway will result in less impervious surface on the lot/parcel than a single driveway serving the entire lot/parcel.
- N. 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 property owner pursuant to Minnesota Statutes §429.101.
- O. If any excavation is to take place “Gopher State One Call” is to be notified at (800) 252-1166 prior to start of construction.
- P. 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.
- Q. No obstructions shall be constructed or planted in the township right of way. Obstructions include, but are not limited to, retaining structures, rip rap, 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 of the right of way. All mailbox supports must comply with Federal Highway Administration guidelines. Stone, masonry or other non-breakaway mailbox supports are not allowed within the Township right of way.

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

- A. 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 to inspect the site, to determine the location of the driveway or field approach, and to determine the scope of the work to be performed. Every new driveway or field approach shall also be required to have an inspection after the work is completed.
- B. The Applicant must establish with the Township an escrow fund for any costs incurred by the Township relating to the construction of the driveway or installation of the culvert including, but not limited to, excess inspection costs or damage to any roadways as a result of the construction of the driveway and the installation of the culvert. The escrow amount shall be collected even if there is an existing driveway on the property. The amount of the initial escrow shall be established by a resolution of the Town Board. 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, in cash or certified check, a nonrefundable permit application fee (in addition to the escrow deposit) to cover the Township's inspection costs. The amount of the permit application fee shall be established by a resolution of the Town Board. However, an additional fee as determined by a resolution of the Town Board, shall be required if the applicant installs the driveway prior to scheduling an inspection by the Township. This additional nonrefundable permit application fee is to cover the Township's additional inspection and administrative costs.
- D. After construction is completed the applicant shall notify the Township that the work has been completed and is ready for final inspection and approval by the Town Board.
- E. No changes or alterations in the approved construction may be made at anytime without the written consent of the Town Board.
- F. If at the time of final inspection, the driveway and related grading and turf establishment is found to be acceptable, the permit will be released. Upon permit release, any remaining escrow deposit shall be refunded, without interest, at the next Township Board meeting. Refunds will be issued to the name of the applicant on the driveway permit. Written authorization from the applicant is required for release of these funds to a party other than the applicant. If the Town Clerk is not notified within two years of the permit issuance that the work has been completed and is ready for inspection, the escrow deposit will be forfeited to the Township.

Section 7. Indemnification.

- A. The applicant, applicant's successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to hold harmless, indemnify and defend Spring Lake 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.
- B. 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. Summary approved.

The Town Board hereby determines that the text of the summary marked "Official Summary of Ordinance No. 14- 001", a copy of which is attached hereto, clearly informs the public of the intent and effect of the ordinance. The Town Board further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 11. Filing.

The Town Clerk shall file a copy of this ordinance in her office, which copy shall be available for inspection by any person during regular office hours.

Section 12. Publication.

The Town Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the Township with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the Town Clerk.

Section 13. Effective date.

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

Adopted by the Town Board of Spring Lake Township, this ____ day of _____, 2014.

Doug Berens
Chair, Spring Lake Town Board

ATTEST:

Kathy Nielsen
Clerk, Spring Lake Town Board

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The following is the official summary of Ordinance No. 14-001 as approved by the Board of Supervisors for the Spring Lake Township on February 6, 2014:

Ordinance No 06-002 was repealed and replaced by this Ordinance No. 14-001 governing permits for installation and modification of driveway, culvert and field approach permits. The new ordinance provisions include slope requirements for culvert aprons and driveway embankments and permissible second driveways.

A printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the Town Clerk at the Spring Lake Township Town Hall at 20381 Fairlawn Avenue, Prior Lake, Minnesota.

Effective date. This ordinance shall take effect upon its passage and publication.