

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

ORDINANCE NO. 2022-010

**ORDINANCE REQUIRING LANDOWNER OR DESIGNATE TO OBTAIN A
PERMIT TO CONSTRUCT AN ACCESS DRIVEWAY OR ENTRANCE**

CEDAR LAKE TOWNSHIP, SCOTT COUNTY, MINNESOTA HEREBY ORDAINS:

1. Ordinance Nos. 2004-1 and 2019-002 are hereby repealed. Further, all parts of any other ordinances in so far as they are inconsistent with the provisions of this Ordinance are hereby repealed.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 the Township road 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 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 Cedar Lake Township. This Ordinance applies to the construction or modification of driveways, culverts and public accesses located within Cedar Lake Township that provide access to buildings constructed or to be constructed or fields after the effective date of this Ordinance.

Section 3. Definitions.

"Driveway" is defined as a road or path giving access from a township road, private road or cartway 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, change an existing driveway, field approach or to convert an existing field approach to a driveway to any Township road, must apply for and obtain an access driveway or entrance permit from the Town Board prior to commencing construction. Except as provided in Section 5A1, only one driveway access or entrance to property shall be allowed without the permission of the Town Board.
- B. Every application for an access driveway or entrance permit shall provide such information as the Town Board may require.
- C. The Town Board shall issue no driveway/culvert permits until all the requirements of this Ordinance have been fully complied with.

Section 5. Conditions of Permit.

- A. No work under this Ordinance is to be started until the Town Board or its designee approves the access driveway/culvert permit application and all applicable fees have been received by the Township.
 - 1. The minimum access spacing between driveways shall be at least $\frac{1}{4}$ mile on Township roads unless otherwise allowed by the Town Board. This distance shall be measured between either established driveways or those proposed through the County planning process.
 - 2. The minimum distance of a new driveway shall be at least $\frac{1}{4}$ mile from a County or State road unless otherwise allowed by the Town Board.
 - 3. When a parcel is subdivided into smaller parcels that now require a driveway permit, any newly created parcels that cannot meet the minimum access spacing requirements of Sections 5A1 and 2 shall be required to have a shared driveway with one or more of the other newly created parcels so as to meet the minimum access spacing requirements of this Ordinance unless otherwise agreed to by the Town Board.
 - 4. Except as required by Section 5A3, shared driveways for adjacent properties are allowed with a maximum of 2 properties sharing a common driveway that accesses a Township road.
- B. No driveway or field approach shall cross a wetland unless a wetland permit has first been obtained from the appropriate government authority.

- C. No obstructions shall be constructed or planted in the Township road 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 road right-of-way; however, the Township is not responsible for damage to mailboxes or posts during maintenance or snowplowing of the right-of-way.
- D. The Township shall purchase and install as part of the Driveway Permit process a "swing away" type mailbox support assembly on landowner's property. The cost of the mailbox support assembly and installation shall be included in the permit fee paid by the landowner. Landowner may place a stake to indicate the landowner's preferred location. However, the Township or its designee shall have sole discretion on the location of the mailbox support assembly. The homeowner will install a USPS approved mailbox. Once installed, all mailboxes to be located on the property whether new or replacement mailboxes, shall be mounted on a "swing away" metal support approved by the Township.
- E. All existing mailbox supports not installed by the Township pursuant to Section 5D of this Ordinance must comply with Federal Highway Administration and Postal Service guidelines. Stone, masonry, or other non-breakaway mailbox supports are not allowed within the Township road right-of-way.
- F. Landowner or designate must place stakes in exact location of the proposed driveway prior to review by Town Board or its designate, and again prior to culvert delivery.
- G. The landowner 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.
- H. Unless a written extension of time has been granted by the Town Board or its designate, if work is not completed within 12 months of the date of application, any driveway or entrance permit, which has been granted under this Ordinance, is void and the permit fee is forfeited. Landowner or designate must reapply for a new permit and pay the appropriate fee should they wish to continue with work covered under this Ordinance.
- I. If required by the Town Board or its designate, the landowner or designate shall provide and install the necessary culvert and flares for the driveway or entrance. The culvert and flares shall be substantially similar to the culverts and flares (in terms of the dimension and material composition of the culvert and flares) of the majority of driveways along the same road and within one mile of the improvement in accordance with section 5.I unless

another type of culvert is specifically required and/or approved by the Town Board.

- J. The landowner or designate shall construct, install, build, gravel and have first inspection performed on said driveway prior to construction of the home or any other building on the property on which the driveway is to be located.
- K. The landowner or designate shall comply with the following requirements in the construction of the driveway:
1. Landowner shall construct only one driveway per parcel of land.
 2. Driveway must be installed and have 4 inches or more of 3 inch minus crushed for a minimum of 50 feet from the Township road. Said rock to be installed before the pouring of any footings. Prior to a Certificate of Occupancy being issued an additional 4 inches of class 5 crushed rocks shall be installed on said driveway.
 3. Minimum driveway width of 20 feet and a maximum width of 28 feet where the driveway meets the roadway.
 4. Driveway aprons are recommended but not required.
 5. Culverts shall be DOT approved and a minimum size of 15 inches new galvanized steel or 15 inches double walled corrugated poly unless it is determined by the Town Board that a larger culvert is needed. Culvert length shall be 26 ft to 34 ft minimum as needed to achieve proper driveway slopes of 4:1 (1 foot rise to 4 foot run) and made of soil. Anti-erosion steps need to be taken to prevent soil run off into culvert or storm drains - erosion blanket, sod, etc.
FLARED ATTACHEMENT ON EACH END OF CULVERT IS REQUIRED.
 6. No walls of landscape timber, concrete, or rock shall be permitted in the right-of-way for reasons of safety.
 7. Landowner or Designate is required to retrench ditch and remove brush/trees in Township right-of-way if needed.
- L. The landowner or designate shall furnish and place all soils needed in the construction or reconstruction of the driveway and/or entrance embankment.

- M. The landowner or designate will surface with gravel that portion of the driveway or entrance within the road right-of-way.
- N. The landowner or designate 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 landowner's expense.
- O. 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.
- P. No foreign material such as dirt, etc. from driveway/access construction activities shall be left or deposited on the traveled portion of the road right-of-way at any time during the construction period. Any dirt or debris from driveway/access construction activities outside of the traveled portion of the road right-of-way 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 landowner fails to comply with this section, the Town Board may remove the dirt, debris, or other materials itself and charge the cost of clean up against the offending property owner pursuant to Minnesota Statutes § 429.101 and any other applicable statutes.
- Q. The road right-of-way must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- R. Landowner or designate shall provide an area within residential or business lots for turning around vehicles to permit forward movements onto town roads.
- S. Landowner shall be responsible for cleaning, maintenance and replacement of any culverts. Should landowner fail to comply with this requirement, the Township may assess the cost of any maintenance to the landowner pursuant to Minnesota Statutes § 429.101 and any other applicable statutes.
- T. If any excavation is to take place "Gopher State One Call" is to be notified at (800) 252-1166 prior to start of construction.
- U. After construction is completed, the driveway shall remain clean and free of debris at all times. Any debris deposited on the driveway or road right-of-way shall be removed immediately.

Section 6. Inspection of the work and Fees.

- A. Every new building site or field approach shall be required to have a driveway inspection.
 - 1. Prior to any on site construction, the landowner or designate shall meet with a township supervisor or their designate at the site to determine the location of the driveway or field approach and to determine the scope of the work to be performed. The 1st inspection will be set up at that time.
 - 2. Every new driveway or field approach shall also be required to have an inspection after the work is completed.
- B. Landowner(s) shall apply for the permit and agree to be responsible for any costs incurred by the Township relating to 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.
- C. Landowner shall provide to the Township, in cash or certified check, a nonrefundable permit application fee to cover the Township's inspection costs, mailbox "swing away" support assembly and mailbox support assembly installation costs. However, an additional fee shall be required if the landowner installs the driveway prior to scheduling a site meeting with the Township Supervisor or designate. This additional nonrefundable permit application fee is to cover the Township's additional inspection and administrative costs and, if not paid by landowner after being invoiced by the Township, may be assessed to the landowner pursuant to Minnesota Statutes § 429.101 and any other applicable statutes.
- D. After driveway/culvert construction is completed, the landowner shall notify the Town Board or their designee who initially inspected the driveway that the work has been completed and is ready for final inspection and approval by the Town Board.
- E. No changes or alterations in construction may be made at anytime without the written consent of the Town Board or its designee.

Section 7. Indemnification.

- A. The landowner, his successors, and assigns, as a condition precedent to obtaining permit approval, hereby agrees to release Cedar Lake 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 landowner, his successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to hold harmless, indemnify and defend Cedar 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.
- C. The Township shall have no responsibility to repair a driveway that encroaches upon a public right-of-way that is damaged during the course of Township maintenance of the road right-of-way.

Section 8. Violation.

- A. A violation of this Ordinance shall be grounds for the immediate revocation of the driveway/culvert permit.
- B. 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. Should the Township determine to correct or abate such violations, the landowner shall be invoiced for the Township's costs which shall be paid within 30 days of the date of the invoice, should the landowner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the landowner's property taxes pursuant to Minn. Stat. § 366.012 and any other applicable statutes.
- C. Further, 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.

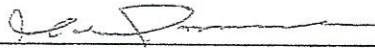
Section 9. Separability.

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 Cedar Lake Township this 2 day of May 2022
2022.



Joe Lambrecht, Chairman



Lorie Speltz, Clerk