

Document No. **A1595255**
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OLMSTED COUNTY, MN
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No Land

ORDINANCE NO. 2023-01

"COVER SHEET ADDED BY OLMSTED COUNTY PROPERTY RECORDS OFFICE FOR RECORDING PURPOSES.
THIS PAGE IS NOW THE NEW FIRST PAGE OF YOUR DOCUMENT."

**ORONOCO TOWNSHIP
OLMSTED COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2023-01

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

The Town Board of Oronoco Township, Olmsted County, Minnesota hereby ordains:

Section 1. Authority.

This ordinance is adopted pursuant to the Township's police powers as the statutory road authority. All parts of ordinances in so far as they are inconsistent with the provisions of this ordinance are hereby repealed.

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 Oronoco Township. This ordinance applies to the construction or modification of driveways, field approaches and culverts located within Oronoco Township.

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, 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.
- 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.

FD 4680

Oronoco Township
PO BOX 324
Oronoco MN, 55960

10-27-2023
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- D. Permit fee of \$50 will be paid to the township at the time of application. If the township determines an engineers advise is needed, costs would be at the expense of the applicant.

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 field approach permit application and all applicable fees have been received by the Township.
- B. All work performed by the applicant covered by this ordinance shall comply with all specifications adopted by the Town board and any additional requirements of the Township Engineer.
- C. No driveway or field approach 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, 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 and Postal Service guidelines. Stone, masonry or other non-breakaway mailbox supports are not allowed within the Township right-of-way.
- E. The applicant shall allow such persons, as the Town Board shall designate to enter onto their property for inspection purposes prior to the issuance of the permit, during the progress of the work and after the permitted work has been completed.
- F. Unless a written extension of time has been granted by the Town Board or its designate, if work is not completed within 1 year of the date of issuance of the permit, any driveway or field approach permit, which has been granted under this ordinance, is null and void and applicant must reapply for a permit and pay the required fee should they wish to continue with work covered under this ordinance.
- G. If required by the Town Board or its designate, the applicant shall provide and install the necessary pipe and aprons for the driveway or field approach pursuant to the Township's specifications.
- H. Applicant must locate the driveway at least 300 feet from another driveway or field approach on the same side of the street unless the applicant has obtained the approval of the Town Board or its designee prior to the start of the work.

- I. Applicant shall furnish and place all soils and other materials needed in the construction or reconstruction of the driveway and/or field approach embankment.
- J. Unless otherwise agreed to by the Town Board or its designate, the applicant will surface with gravel that portion of the driveway or field approach 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 or its designee prior to the start of the work.
- L. Where work on the 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.
- M. 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 to the applicant. Costs incurred by the Township to clean up the street may be assessed to the offending property owner pursuant to Minnesota Statutes §§ 429.101, 366.012 and any other relevant statutes.
- N. Unless otherwise directed by the Town Board or its designate, the roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- O. 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 without the express written permission of the Town Board.
- 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, 366.012 and any other relevant statutes.
- 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 and fees.

- A. Prior to construction of the driveway and installation of the culvert, the applicant shall meet with the Town Board or its 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. Applicant shall provide to the Township a nonrefundable permit application fee to cover the Township's inspection costs. The Town Board shall establish the amount of the permit application fee. In addition, the Town Board shall have the authority to revise or re-determine (including rate increases) fees whenever the Town Board deems necessary. However, an additional fee as determined by the Town Board shall be required if the applicant installs the driveway or field approach prior to obtaining a permit or scheduling an inspection by the Township. This additional nonrefundable permit application fee is to cover the Township's additional inspection and administrative costs.
- C. 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 or its designee.
- D. No changes or alterations in the approved construction may be made at anytime without the written consent of the Town Board or its designee.

Section 7. Indemnification.

- A. The applicant, applicant's successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to release Oronoco 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 field approach.
- B. The applicant, applicant's successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to hold harmless, indemnify and defend Oronoco 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 field approach, and the finished driveway or field approach, 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 or field approach that encroaches upon a public right-of-way that is damaged during the course of Township maintenance of the roadway.

Section 8. Violation.

- A. A violation of this ordinance shall be grounds for the immediate revocation of the access driveway or field approach 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 applicant or property owner shall be invoiced for the Township's costs which shall be paid within 30 days of the date of the invoice, should the applicant or property owner 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 owner's property taxes pursuant to Minn. Stat. §§ 429.101, 366.012 or any other relevant statute.
- 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 Oronoco Township this 9 day of
 October 2023.



Ken Mergen, Chairperson



Jody Schroeder, Clerk

