

May Township

State of Minnesota County of Cass

ORDINANCE 2007 - 01

THE TOWN BOARD OF MAY, CASS COUNTY, STATE OF MINNESOTA, DOES HEREBY
ORDAIN:

DRIVEWAY AND ROAD STANDARDS ORDINANCE

SECTION ONE

AUTHORITY/ PURPOSE

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

The authority for this ordinance arises specifically from the Township's authority over roadways under its jurisdiction and the Township's general authority to provide for public health, safety and welfare. The Township's interest is to regulate and provide for safe access to roadways, to regulate the number of accesses allowed, and to provide appropriate standards and conditions for roads which are to be accepted as part of the May Township Transportation System. This ordinance is not intended as, nor should it be construed as, a regulation of land use.

SECTION TWO

GENERAL PROVISIONS AND CONDITIONS

2.1. General Conditions

- 2.1.1 Road acceptance will be done under the proceedings of Minnesota Statute § 164.07.
- 2.1.2. All roads, which are to be accepted and recorded as part of the Township's transportation system will be required to have a road right-of-way width of sixty-six [66] feet. Those roads, which are presently in place at the time of the adoption of these standards, which residents desire to be accepted, will be reviewed on a case-by case basis.
- 2.1.3. All roads accepted and recorded as part of May Township will be required to provide clear title to the road and road right of way of sixty-six [66] feet, and that pursuant to Minnesota Statute 164.07 that said roads shall be constructed and paved in a manner meeting current May Township Standards.
- 2.1.4. Those roads, which will become part of the Township's system will be identified and classified as a primary, secondary or collector road. Typical drawings for construction based on the potential average daily traffic usage of the road are herein provided. [See attached example diagrams in Appendix A]
- 2.1.5. The Developer shall obtain certification, from the township, that the road has been constructed to Township standards prior to acceptance by the Township.
- 2.1.6. The requirements of the current edition of the MN-DOT "Standard Specifications for Construction" shall govern where directed by the Township.

SECTION THREE

ROAD CONSTRUCTION STANDARDS

3.1. Road Bed & Embankments

- 3.1.1 All new roads must intersect with the Township roads at a right angle with appropriate drainage provided. Driveway approaches will be considered on a case-by-case basis with regards to culvert installation.
- 3.1.2 Horizontal and vertical alignment shall be coordinated. Centerline grades shall not exceed ten percent (10%) slope unless extenuating circumstances dictate a steeper grade (must be approved by township), and shall not be constructed flatter than five tenths of a percent [0.5%]. Sharp curves [less than 120 degrees] shall not occur at the foot of a steep grade.
- 3.1.3 In the construction of embankments the upper two feet of the sub-grade shall be granular material with suitable materials below. Unstable materials, such as organic materials (swamp material),

shall be excavated and disposed of, two feet horizontally from the edge of the shoulder. The top one-foot of the sub-grade shall be free of rocks greater than 3" in diameter and sticks greater than 1" in diameter and 6" in length. Embankments shall be constructed in layers not to exceed six inches in plastic soils or twelve inches in non-plastic **soils**, with mechanical compaction applied to each layer until no evidence of appreciable deflection **exists** under a motor grader tire while driven over the surface. Embankments constructed over wet areas shall be placed in one lift to an elevation of at least two feet above the wetland elevation before proceeding with layered construction as previously defined. The Contractor may be required to provide 3rd party density tests, as directed by the Township. All gravel shall be designed to meet a minimum of 5 ton pavement.

- 3.1.4 All gravel roads shall be designed to meet a minimum five-ton standard.
- 3.1.5 All paved roads shall be designed to meet a minimum seven-ton pavement standard.
- 3.1.6 All commercial or industrial classified roads shall be designed to meet a minimum ten-ton pavement standard.
- 3.1.7 All roads will as a minimum will be cleared and grubbed as shown on the Road Typical Section in Appendix A.
- 3.1.8 All roads shall meet as a minimum or exceed the Road Typical Section as shown in Appendix A.

3.2. Road Ditches & Erosion Control

- 3.2.1. Side ditch and embankment construction shall provide adequate roadbed drainage including installation of centerline culverts as required, with a minimum centerline culvert size of eighteen inches or larger dependent upon road classification and hydraulic need. In-slopes shall not be constructed steeper than three feet horizontally to one foot vertically [3:1]. Back slopes shall not be constructed steeper than three feet horizontally to one foot vertically [3:1], unless approved by the Township. The top of the back slope shall be blended into the natural ground line.
- 3.2.2. **NOTE:** On all roadbed cut and fill areas in excess of seven feet, additional right-of-way or slope easements may need to be considered in order to construct proper slopes to prevent serious erosion.
- 3.2.3. All construction areas *will* be protected with proper drainage to prevent destruction of the actual roadbed. Three inches of topsoil and seeding shall be required to prevent erosion, using MN/DOT standard specification 50 B or the attached sheet called Table 1 "Seed Mixture Selection" and Table 2 "Seeding Mixtures for Permanent Seeding" from USDA-SCS-MN technical guide. [See attach sheets in AppendixD]
- 3.2.4. All graded areas from road construction shall be protected from erosion using necessary Best Management Practices, such as hay bale checks and silt fence, at a minimum.
- 3.2.5. In cases where significant cut or fill is necessary, the use of erosion *control* blanket may be requested by the Township to stabilize the soil.

3.3. Cul-de-Sacs

- 3.3.1 Cul-de-sacs shall have a terminal turn around which shall be provided at the closed end, with a minimum turn around radius of fifty (50) feet. Cul-de-sacs will be required to have a minimum road right-of-way radius of sixty-six (66) feet.
- 3.3.2 Where a road is terminated pending future extension in conjunction with a future subdivision, a temporary turn around facility shall be provided at the closed end that meets either an adequate T turnaround which has a minimum length of 25 feet with a cleared distance of 33 feet or meets cul-de-sac requirements. The temporary T turnaround or cul-de-sac must be maintained and left in place until the future extension is completed.
- 3.3.3 All cul-de-sac and T turnaround construction must conform to requirements for ditching and banking as in Section 3, under Road Beds & Embankments, 3.1.3.1.
- 3.3.4 Cul-de-sac and turnaround minimum requirements are shown in Appendix B.

SECTION FOUR

DRIVEWAY STANDARDS

4.1. General Terms & Conditions

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

- 4.1.1. A driveway shall intersect the Township road at a right angle. A residence driveway shall be a minimum of twenty feet (20 feet) wide and not more than twenty-four feet (24 feet) wide, measured at right angles to the centerline of the driveway. [See attached diagrams in Appendix C)
- 4.1.2. Non-residence driveway widths (i.e. agricultural, commercial and/or industrial land use) shall be reviewed and approved by the Town Board on a case-by-case basis. In determining whether or not a driveway for a non-residential use should be required to conform to higher standards, the Town Board shall take into account the following factors; the traffic generated by the use, the type of vehicles using the driveway, the location of the proposed driveway access, and the hours of operation of the use. [See attached diagrams in Appendix C)
- 4.1.3. Minimum spacing between driveways at the road shoulder will be one hundred feet (100 feet), where possible.
- 4.1.4. One driveway per parcel is allowed. More than one driveway per parcel may be allowed if; the parcel frontage is greater than one thousand three hundred and twenty feet (1320 feet) or, if more accesses are needed due to fence-lines, geographical features or if approved by the Township.
- 4.1.5. Mailboxes and support posts may be located within the Township road right-of-way. Mailboxes shall not extend out over the shoulder of the road and must meet MNOOT construction standards.

However, the Township is not responsible for damage to mailboxes or posts during road maintenance or snow plowing.

4.2. Construction and Maintenance of Driveways

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

- 4.2.1. All work done within the Township road right-of way is subject to approval by the Township or the Township's duly authorized representatives.
- 4.2.2. All culverts shall be galvanized steel, a minimum of twelve inches (12 inches) in diameter, with length sufficient for the width of said driveway and flared ends.
- 4.2.3. No driveway entrance shall cross a wetland unless a wetland permit has been obtained in advance from the appropriate authorities.
- 4.2.4. Proper and adequate drainage facilities shall be provided as required by the Township.
- 4.2.5. Drainage from all roads shall be directed into the Township road drainage system in such a way as to not impact the Township road surface. The Township may require the construction of a landing area as shown in Appendix C to help control erosion concerns onto Township roads.
- 4.2.6. Modifications to the present ditch system may not be done without prior approval by the Township. No obstructions shall be constructed or planted in the Township right-of-way. Obstructions include but are not limited to the following: retaining structures, posts, fence, trees, shrubs, and other such items.
- 4.2.7. The driveway must be constructed with, at a minimum, four inches (4 inches) of class 5 aggregate or approved equal. (i.e. pavement, concrete driveway, except the pavement or concrete shall not extend closer than 15 feet from the center line of a gravel Township road.). Drainage from all roads and entrances to Township roads shall be directed into the Township drainage system in such a way as to not impact the Township road surface. The Township may require the construction of a landing area as shown in Appendix C and pursuant to Section 3, under Road Beds & Embankments, 3.1.3, to help control erosion concerns onto the Township road. Driveway fill slopes shall be hand finished or seeded when completed to establish turf restoration as soon as possible
- 4.2.8. No foreign materials (including, but not limited to, dirt, gravel, clumps of clay, mud, sand, soil washings, building materials or bituminous material) 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 may result in forfeiture of the driveway construction deposit and additional charges for costs incurred by the Township.

4.3. Permit Requirements

- 4.3.1. An application for a driveway entrance permit, along with the construction deposit, shall be delivered to the Township prior to commencement of construction of a driveway entrance onto a May Township road. The permit shall include a driveway construction deposit to assure satisfactory completion of the construction.
- 4.3.2. In the event that the construction has not been completed within six months (6 months) of the date the permit is issued, the permit will become null and void. If no construction is commenced within six (6) months, deposit shall be refunded. If construction has commenced and stopped due to weather, a six (6) month permit extension may be granted.
- 4.3.3. The driveway construction deposit shall be set from time to time by a resolution of the Town Board.

4.4. Inspection Prior to Construction

- 4.4.1. Upon receipt of application, the driveway entrance location will be inspected by the Township to determine culvert requirements.
- 4.4.2. If the driveway location is satisfactory and no culvert is required, the approval notice will indicate said fact.
- 4.4.3. 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.

4.5. Final Inspection

- 4.5.1. Upon completion of the driveway approach and/or culvert installation, including turf restoration, the approach shall receive a final inspection by the Township. Refund of the driveway construction deposit shall be made only after it is approved by the Township.
- 4.5.2. 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.
- 4.5.3. The initial and final inspections are provided free of charge by the Township. Any additional inspections or other permit work will be charged at current Township rates.

SECTION FIVE

ENFORCEMENT OF ORDINANCE

5.1. Town Board Enforcement

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

5.1.2. 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.

5.1.3. In the event that an improper or poorly constructed driveway access is deemed by the Township to constitute an immediate danger, the Township may initiate immediate removal of such hazard without prior notification of the owner or occupant of such property. 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. All expenses incurred by the Township to remove the hazard will be charged against said parcel and will be the responsibility of the owner.

5.2. Thirty Days Written Notice

5.2.1. 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.

5.3. Appeals

5.3.1. 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.

5.4. Hearing

5.4.1. 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.

5.5. Prosecution

5.5.1. 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 SIX

PENALTIES

6.1. Penalties

Violation of this ordinance is a petty misdemeanor offense, punishable by up to the maximum amount allowed by statute, and as amended from time to time, plus costs of prosecution. Each day of continuing violation may be deemed a separate and distinct violation of the ordinance.

6.2. Types of Remedies

6.2.1. Civil Remedies. The Township may, at its discretion, seek any and all available civil remedies available to it at law or equity, including injunctive relief. In the event that civil remedy is pursued, the Township may seek reimbursement of any and all costs, disbursements, witness or other fees, as well as reasonable attorney's fees expended by the Township in order to enforce this ordinance.

6.2.2. 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 SEVEN

AMENDMENTS OR CHANGES

7.1. Hearing

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

7.2. Process

Thirty calendar days (30 days) written 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 May Township Board of Supervisors.

7.3. Effective Date

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

SECTION EIGHT

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 NINE

EFFECTIVE DATE

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

PUBLIC NOTICE

HEARING

A Public Hearing will be held on November 12, at 7:00 p.m., at the May Town Hall by the May Town Board of Supervisors. The public is invited to attend.

The Purpose of the hearing is to take comments on the "Draft" Ordinance 2003 - 01, ROAD AND DRIVEWAY STANDARDS ORDINANCE . Written comments can be sent to the May Township Clerk/Treasurer, Darlene Holmberg, 6375 112th St. SW, Motley, Minnesota, 56466, by Nov. 7 so it will be received up to the date of the Hearing.

Due to the lengthy content of the Ordinance, a brief synopsis follows:

- Section One: Authority/Purpose. States the purpose of the Ordinance and the authority to implement.
- Section Two: General Provisions and Conditions. Identifies conditions for road acceptance.
- Section Three: Road Construction Standards. Construction requirements for roads in Township.
- Section Four: Driveway Standards. Construction requirements for driveways in Township.
- Section Five: Enforcement of Ordinance. Procedures for enforcement of Ordinance.
- Section Six: Penalties. Penalties to be imposed upon a violation of this Ordinance.
- Section Seven: Amendments or Changes. Process for amending the Ordinance.
- Section Eight: Validity and Severability. Invalidation of one portion of this Ordinance does not invalidate all or other portions.
- Section Nine: Effective Date. States when the Ordinance becomes effective.
- Appendix A:** Diagrams for road drawings based on average daily traffic usage of said road
- Appendix B: Diagrams for Cul-de-Sacs and Turnarounds
- Appendix C: Driveway diagrams with notes for Residential and Commercial and/or Industrial Driveways.
- Appendix D: Tables One & Two. "*Seeding Mixtures for Pennanent Seeding*"for road ditches and erosion control.

A copy of the "Draft Ordinance 2007-01, ROAD AND DRIVEWAY STANDARDS, can be viewed at the May Township Hall.

By order of the May Township Board of Supervisors

Please see attachments in another in second document.

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Appendix A

Recommended Minimum Sections for Township

Maintained Roadways

Appendix C

Appendix D

Seeding Mixtures for Permanent Seedings