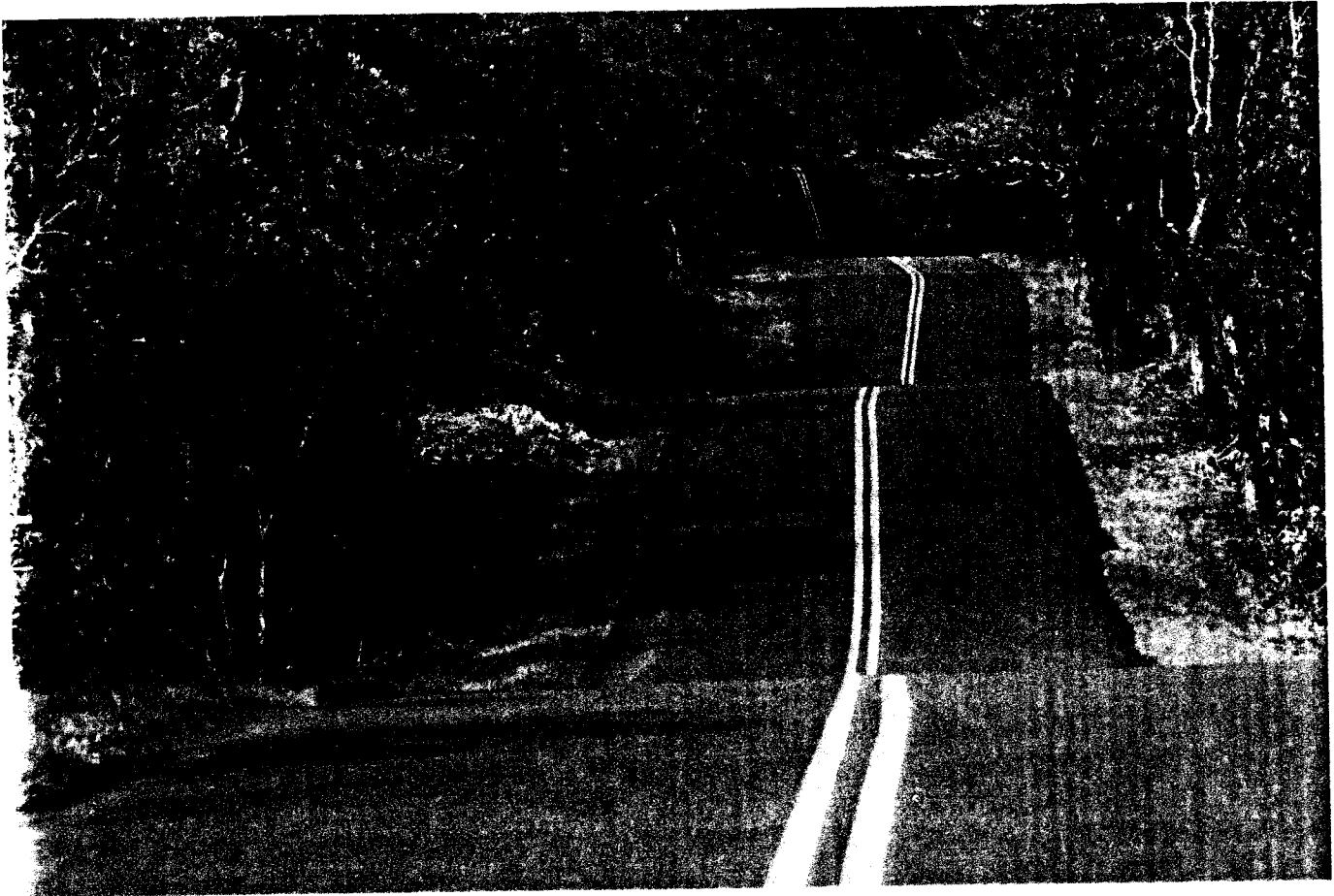


**TOWNSHIP OF TODD
HUBBARD COUNTY
STATE OF MINNESOTA**

ROAD STANDARDS AND ACCESS ORDINANCE 2011-04



804 Crocus Hill Street SE
Park Rapids, MN 56470

2011

TABLE OF CONTENTS

	Page
1. AUTHORITY.....	1
2. GENERAL PROVISIONS AND CONDITIONS	1
3. ROAD CONSTRUCTION STANDARDS	2
3.1. Road Bed & Embankments	2
3.2. Road Ditches & Erosion Control	3
3.3. Cul-de-Sacs	4
4. ACCESS AND DRIVEWAY STANDARDS	4
4.1. General Terms & Conditions	4
4.2. Construction and Maintenance of Driveways and Access Entrances	5
4.3. Permit Requirements	6
4.4. Inspection Prior to Construction	6
4.5. Final Inspection	6
5. ENFORCEMENT OF ORDINANCE	7
5.1. Town Board Enforcement	7
5.2. Thirty Days Written Notice	7
5.3. Appeals	7
5.4. Hearing	8
5.5. Prosecution	8
6. PENALTIES	8
6.1. Penalties	8
6.2. Types of Remedies	8
7. AMENDMENTS OR CHANGES	8
7.1. Hearing	8
7.2. Process	9
7.3. Effective Date	9
8. VALIDITY AND SEVERABILITY	9
9. REPEAL CLAUSE	9
10. EFFECTIVE DATE	9
11. SECTION ELEVEN: APPENDICES: Road Profiles for Driveways and Accesses	

SIGNATURE PAGE - attached

PUBLIC HEARING NOTICE - attached

ADOPTION SUMMARY - attached



Todd Township
County of Hubbard, State of Minnesota

ORDINANCE 2011 - 04

ROAD AND ACCESS ORDINANCE

SECTION ONE

AUTHORITY / PURPOSE

The Todd Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapters 160 and 164, enacts the following Road and Access Ordinance for the purpose of protecting the health, safety and welfare of the citizens in Todd Township by governing and providing standards for private and public driveway accesses which enter onto Todd Township's public road system. This Ordinance puts forth those road standards and designs for Township roads, driveways entering upon Township roads and other accesses such as Subdivision, Commercial and Field entrances with the public safety and welfare in mind.

The authority for these standards 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 set forth standards for roads and other accesses and to provide for safe entrances to the Townships' 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 Todd 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 § Section 164.07.
- 2.1.2 All roads, which are to be accepted, opened and recorded as part of the Township's transportation system will be required to have a road minimum 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 (as of January 12th, 2005).
- 2.1.3 All roads accepted, opened and recorded as part of Todd Township will be required to provide clear title to the road and a minimum road right of way of sixty-six [66] feet, and that pursuant to Minnesota Statutes, 164.07 said roadway shall be constructed and surfaced in a manner meeting current Todd Township Standards and designs.



County of Hubbard, State of Minnesota

- 2.1.4. Those roads, which will become part of the Township's system will be identified and classified as a collector road or local roads. Typical drawings for construction will be based on the potential average daily traffic usage of the road. [See attached sample diagrams in Appendix A]
- 2.1.5. The Developer, with a new Plat, shall obtain certification from a third party licensed professional civil engineer with road certification and approved by the Township, that the road has been constructed and paved to Township standards prior to acceptance and opening by the Township. Costs incurred by the Township to obtain the necessary certification of acceptance shall be the responsibility of the Developer.
- 2.1.6. The requirements of the current edition of the MN-DOT "Standard Specifications for Design and Construction" as amended from time to time, shall govern where directed by the Township.
- 2.1.7. The Town Board, the Board's designee (i.e. Township Road Authority, or duly authorized representatives) shall enforce this Ordinance.

SECTION THREE

ROAD CONSTRUCTION STANDARDS

3.1. Road Bed & Embankments

- 3.1.1 All new roads shall intersect with the Township roads at a right angle with appropriate drainage provided wherever possible. All approaches will be considered on a case-by-case basis with regards to safety and drainage requirements.
- 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. 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.
- 3.1.4 Roadway sub grades shall be free of sod, vegetation, organic matter, soft clay or other objectionable materials, properly rolled, shaped and compacted. The top one-foot of the sub-



County of Hubbard, State of Minnesota

grade shall be free of rocks greater than 3" in diameter and sticks greater than 1" in diameter and 6" in length.

- 3.1.5 Road surface: (shoulder to shoulder) shall not be less than 4" to 6" of Class 1 or an equivalent approved by the Road Authority. The road surface should be constructed to provide a smooth, hard, dense, well-drained, all weather surface with the following crown cross slopes:
 - 3.1.5.1 Plant mix bituminous surface: $1/8^{\text{th}}$ – $1/4^{\text{th}}$ inch of drop per foot road width with a recommended 2% crown as shown on the sample drawings.
 - 3.1.5.2 Gravel or granular soil surface: $1/4^{\text{th}}$ – $1/2$ inch of drop per foot road width with a recommended 4% crown as shown on the sample drawings.
- 3.1.6 All Township residential graveled as well as any new subdivision roads shall be designed to meet a minimum nine-ton pavement standard.
- 3.1.7 After December, 2009, all "through" roads, commercial or industrial classified roads shall be designed to meet a minimum ten-ton pavement standard.
- 3.1.8 Whenever a new subdivision road abuts or contains an existing or proposed County or State highway, a frontage road with a minimum sixty-six foot (66 foot) right-of-way is required so driveways will not have direct access to the major highway.

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 dependant 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 two feet horizontally to one foot vertically [2:1], unless approved by the Township. The top of the back slope shall be blended into the natural ground line.
- 3.2.2. On all roadbed cut and fill areas in excess of six feet, additional right-of-way or slope easements may be required in order to construct proper slopes to prevent serious erosion. In cases where significant cut or fill is necessary, the use of erosion control blanket measures and/or best management practices [BMPs] may be required by the Township to stabilize the soil.
- 3.2.3. All construction areas will be protected with proper drainage to prevent damage to the actual roadbed. Within the construction area three inches of topsoil and seeding shall be required to prevent erosion, using MN/DOT standard specification for a common "Ditch Mix" [Mixture 270].



County of Hubbard, State of Minnesota

3.2.4. All graded areas from road construction shall be protected from erosion using necessary Best Management Practices, such as hay bale checks, sediment basins, dike checks, fiber bags, triangular silt dikes, silt fences, etc., as a minimum.

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 diameter of one-hundred four feet (104 feet). Cul-de-sacs will be required to have a minimum road right-of-way radius of sixty-six (66) feet. (See attached profile drawings).
- 3.3.2. In the instances of temporary cul-de-sac, 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, in conformance with cul-de-sac requirements. The temporary cul-de-sac must be maintained and left in place until the future extension is completed with proper signage to show that a future road may be connected. No mailboxes are to be placed on temporary cul-de-sacs.
- 3.3.3. All cul-de-sac construction must conform to requirements for ditching and banking as in section 3.1.3. under Road Beds & Embankments.

SECTION FOUR

DRIVEWAY AND ACCESS STANDARDS

4.1. General Terms & Conditions

No driveway, approach or entrance shall be constructed, **or used**, unless the owner of the land served by same shall have in his possession a valid permit signed by Todd Township. The person constructing such entrance, if different from the landowner, shall have in his possession a copy of said permit during said construction. The issuance of this permit is to be conditioned on such items as public safety, drainage, sight distances, and esthetics in addition to consideration of convenience and necessity to the landowner.

The following standards shall apply when considering a new or re-located driveway entrance or any other access entrance onto an existing Township road and through the Township road right-of-way.

- 4.1.1. Driveways accessing onto township entrances prior to an intersection must meet Township and MN/Dot safety specifications.
- 4.1.2. If driveway, approach or entrance enters onto a Township road which has been paved, the property owner(s) will be required to pave the ROW portion to the parcel so that it will interconnect with the Township road according to attached drawings.
- 4.1.3. A driveway should intersect the Township road at a right angle. A residence driveway should 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 drawings in Appendix A].



County of Hubbard, State of Minnesota

- 4.1.4. Non-residence driveway widths (i.e. field, commercial and industrial accesses) 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 non-exclusive list of factors; the traffic generated by the use, the type of vehicles using the access, the location of the proposed access, and the hours of operation of the use. [See attached diagrams in Appendix A].
- 4.1.5. Minimum spacing between driveways at the road shoulder will be one hundred feet (100 feet).
- 4.1.6. One driveway per parcel is allowed. More than one driveway per parcel may be allowed if; the parcel frontage on a single road is greater than one thousand three hundred and twenty feet (1320 feet) or, if more accesses are needed due to fence-lines or geographical features.
- 4.1.7. Standard swing arm mailboxes and standard swing arm 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 road maintenance or snow plowing.

4.2. Construction and Maintenance of Driveways and Access Entrances

The following rules will apply to construction and maintenance of driveway and access entrances onto an existing Township road [See Appendix A for different access entrances];

- 4.2.1. All work done within the Township road right-of way is subject to approval by Township Road Authority (Board) or the Town's duly authorized representatives.
- 4.2.2. The Township Road Authority shall determine the size, number and type of culverts necessary to ensure proper road drainage, but at a minimum 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. In known high flow areas, culvert openings larger than 27" diameter will be permitted within the obstacle free area of the right-of-way on a case by case basis.
- 4.2.3. No driveway or access entrances shall cross a wetland unless a wetland recovery permit has been obtained in advance and has been made a part of this permit.
- 4.2.4. 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 approval by the Township. No obstructions shall be constructed or planted in the Townships' rights-of-way. Obstructions include but are not limited to the following: retaining structures, posts, trees, shrubs, wood trash piles, boulders, equipment, fencing, and other such items.
- 4.2.5. The driveway and/or access entrance must be constructed with, at a minimum, four inches (4) of Class 1 aggregate or an approved equivalent. If needed (i.e. pavement, concrete driveway, etc.) and as approved by the Township Road Authority.
- 4.2.6. 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



County of Hubbard, State of Minnesota

construction of driveway or installation of drainage facilities. Failure to clean up such dirt and debris may result in with additional charges for costs incurred by the Township.

- 4.2.7. All entrance or approach construction shall conform to section 3.1.3. Road Bed and Embankments.

4.3. Permit Requirements

- 4.3.1. When completed and issued, a Township road application for a driveway and/or access entrance permit, along with the permit fee and a construction deposit, shall be delivered to the Township Zoning Administrator.
- 4.3.2. An approved permit will be required **prior to commencement of construction** of any entrance onto a Todd Township road. Both the permit and construction fees will be submitted prior to issuance of permits to assure satisfactory completion of the construction.
- 4.3.3. The driveway and access permit fee and construction deposit shall be set from time to time by a resolution of the Town Board.
- 4.3.4. The Town Board, the Board's designee (i.e. Township Road Authority, or duly authorized representatives) shall enforce these standards.

4.4. Inspection Prior to Construction

- 4.4.1. Upon receipt of application, the access and/or driveway entrance location will be inspected to determine culvert requirements.
- 4.4.2. If the access and/or 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 Manual on Uniform Traffic Control Devices, which is on file with the Hubbard County Engineer's office.

4.5. Final Inspection

- 4.5.1. Upon completion of the driveway and/or access approach and/or culvert installation, including turf restoration, the approach shall receive a final inspection by the Township.
- 4.5.2. Return of Construction Deposit. Once the final inspection has been completed and approved, the construction deposit will be returned. In the case where inspection is done and not approved, applicant will complete the needed changes or the construction deposit will be used to affect the necessary changes to the driveway.



Todd Township
County of Hubbard, State of Minnesota

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 initiate 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 entrance or 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. As soon thereafter as practical the Township shall provide written notice to the owner or occupant of the premises of the actions taken. 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 pursuant to Section 5.1.2 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 in Section 5.1.2. In order to expedite matters, the Township may at its discretion, include notice of the aforementioned hearing in the original notice of violation.



Todd Township
County of Hubbard, State of Minnesota

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 state 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.



Todd Township

County of Hubbard, State of Minnesota

7.2. Process

Two weeks posted and 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 Todd 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 Todd 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

REPEAL CLAUSE

The *Todd Township Road And Access Ordinance 2004-03.04 adopted January 12, 2005 with First Revision on June, 2006* regulating Todd Township's road transportation system within Todd Township, Hubbard County, State of Minnesota are hereby repealed.

SECTION TEN

EFFECTIVE DATE

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

SECTION ELEVEN

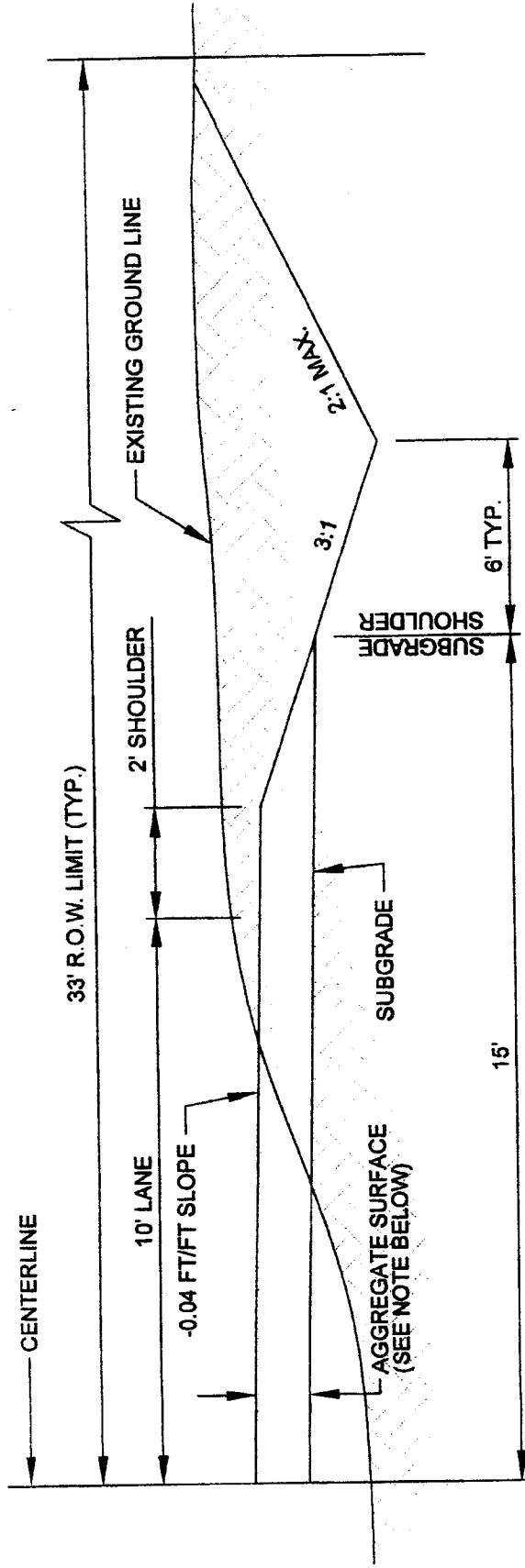
6.0. Appendices

6.1. Appendix A: Road Profile Standard designs for collector and local roads.

Entrance Profile designs for Commercial, Industrial roads, Field entrances, Rural Residential Entrances, and Sub-Division Entrances with notes

TODD TOWNSHIP

RECOMMENDED MINIMUM SECTIONS FOR TOWNSHIP MAINTAINED ROADWAYS



TYPICAL CUT SECTION FOR AGGREGATE SURFACED ROADWAY

NOT TO SCALE

CONSTRUCTION NOTES:

Thickness of the Class 1 surfacing shall be in accordance with the following or as may be specified by the Design Engineer.

Minimum 4 inches of compacted surfacing (MNDOT 3138 Class 1) with a sand or gravel subgrade.

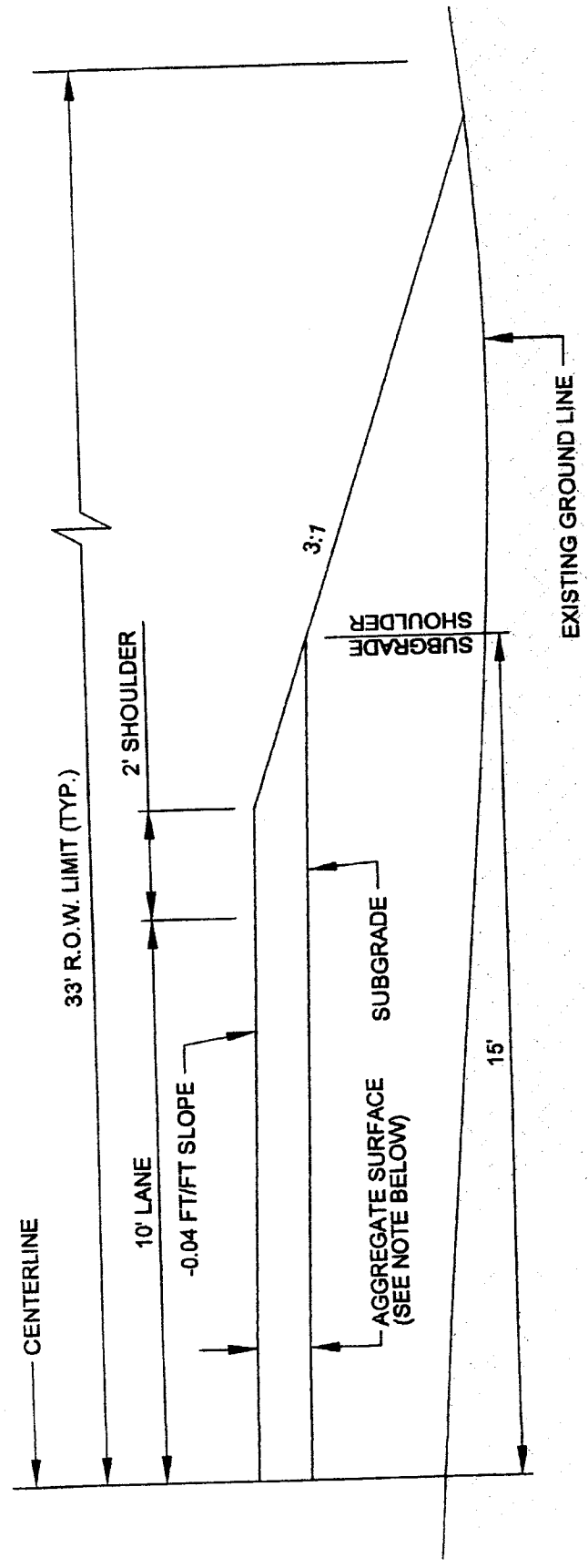
Minimum 6 inches of compacted surfacing (MNDOT 3138 Class 1) with other soil types.

Subgrade shall be compacted as specified by the Design Engineer and slope shall follow the aggregate surface slope.

Minimum cover over culverts shall be 1 foot measured from the subgrade shoulder. This requirement may mean that the prescribed ditch depth may exceed that specified.

No deleterious material (i.e., stumps, brush, clay lumps etc.) shall be incorporated in the subgrade.

TODD TOWNSHIP
 RECOMMENDED MINIMUM SECTIONS FOR TOWNSHIP MAINTAINED ROADWAYS



TYPICAL FILL SECTION FOR AGGREGATE SURFACED ROADWAY

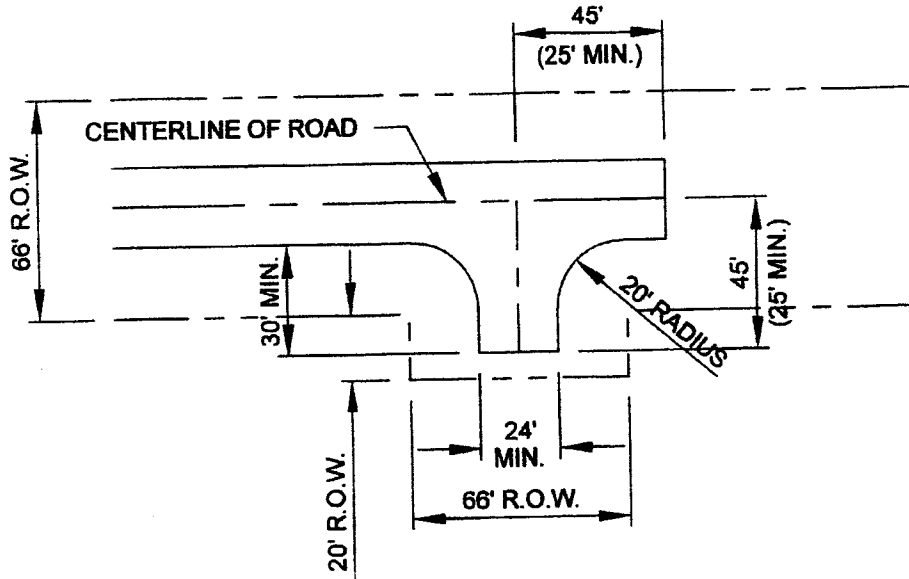
NOT TO SCALE

- CONSTRUCTION NOTES:**
- Thickness of the Class 1 surfacing shall be in accordance with the following or as may be specified by the Design Engineer.
 - Minimum 4 inches of compacted surfacing (MNDOT 3138 Class 1) with a sand or gravel subgrade.
 - Minimum 6 inches of compacted surfacing (MNDOT 3138 Class 1) with other soil types.
 - Subgrade shall be compacted as specified by the Design Engineer and slope shall follow the aggregate surface slope.
 - Minimum cover over culverts shall be 1 foot measured from the subgrade shoulder.
 - No deleterious material (i.e., stumps, brush, clay lumps etc.) shall be incorporated in the subgrade.

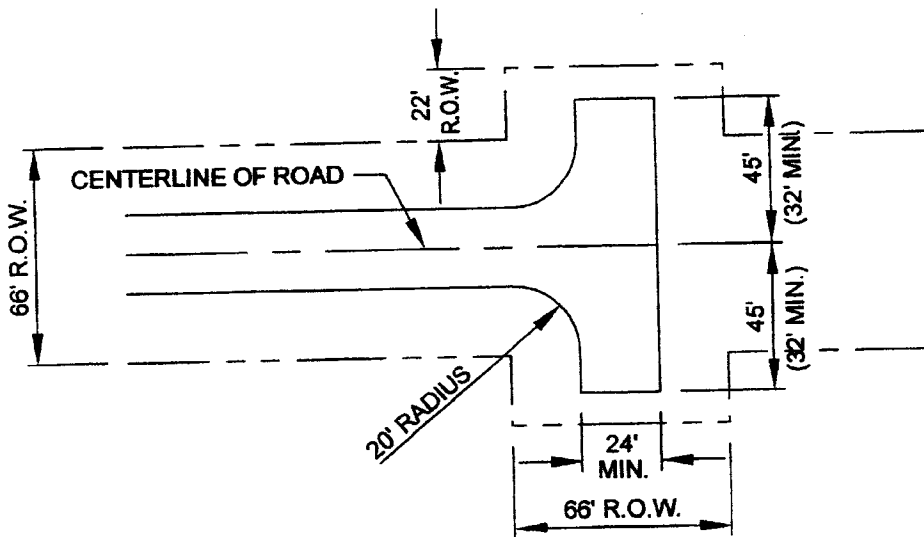
TODD TOWNSHIP

RECOMMENDED MINIMUM SECTIONS FOR TOWNSHIP MAINTAINED ROADWAYS

TURNAROUNDS (ONLY WHEN APPROVED BY TOWNSHIP)



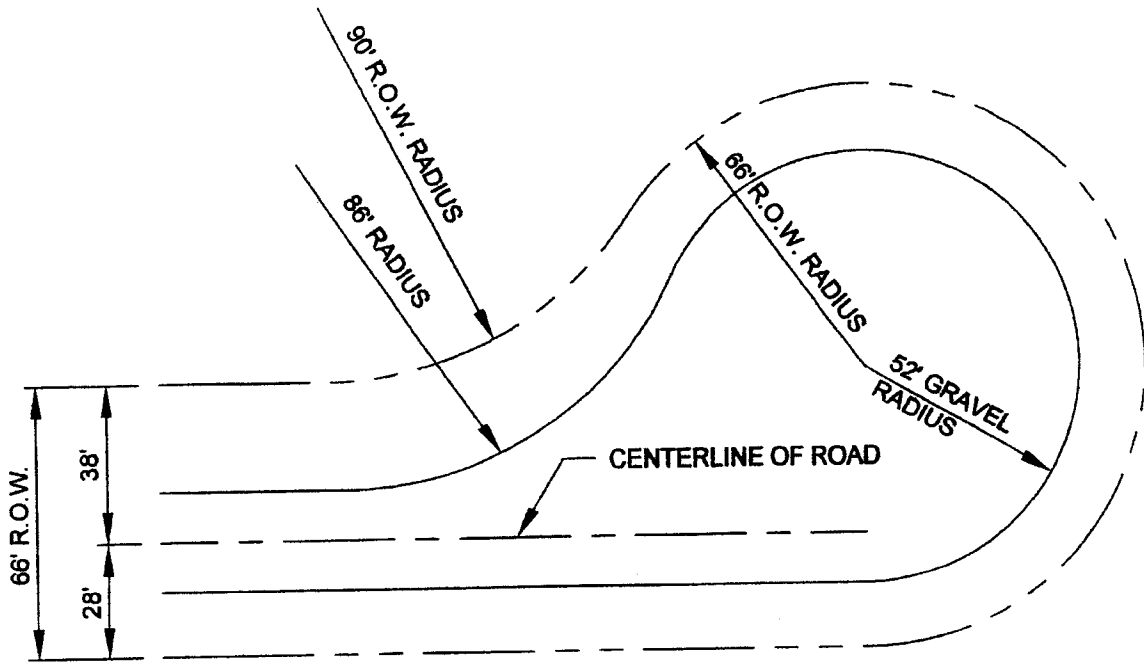
BRANCH TYPE TURNING AREA



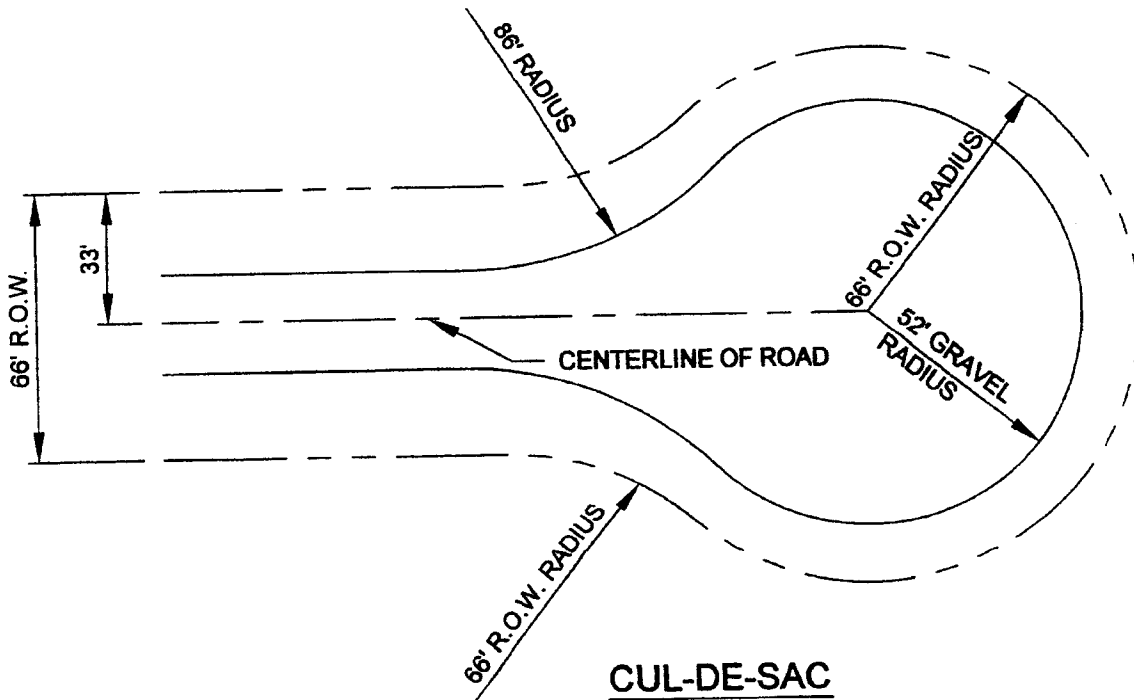
STANDARD T-TYPE TURNING AREA

TODD TOWNSHIP

RECOMMENDED MINIMUM SECTIONS FOR TOWNSHIP MAINTAINED ROADWAYS



OFFSET CUL-DE-SAC



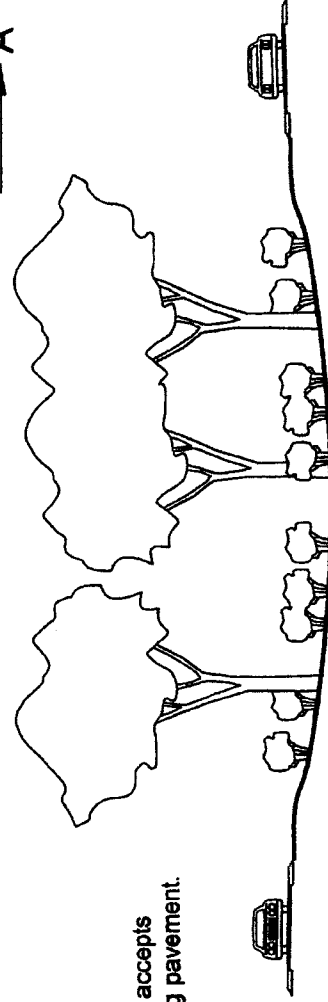
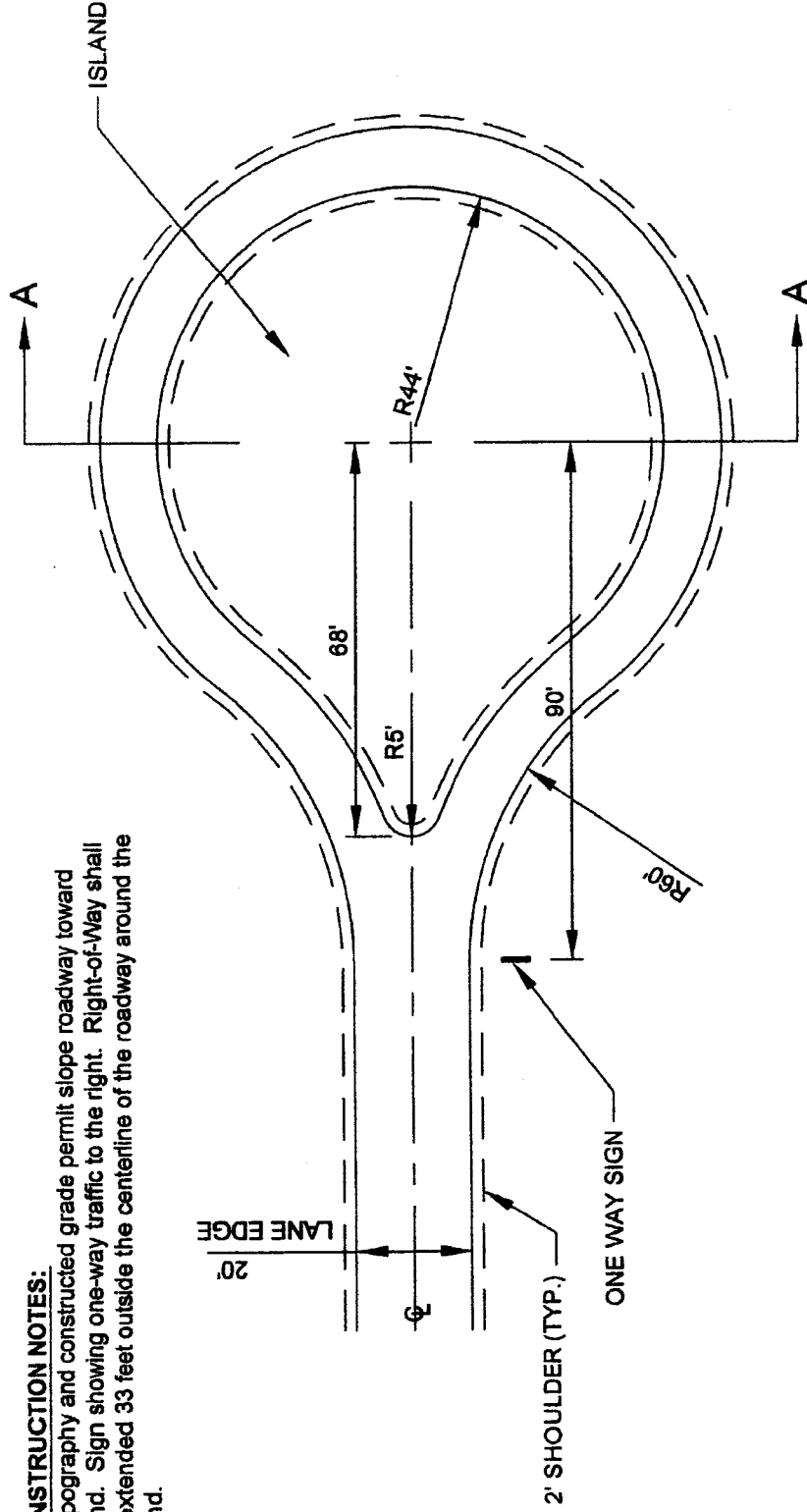
CUL-DE-SAC

LODD TOWNSHIP

RECOMMENDED MINIMUM SECTIONS FOR TOWNSHIP MAINTAINED ROADWAYS

CONSTRUCTION NOTES:

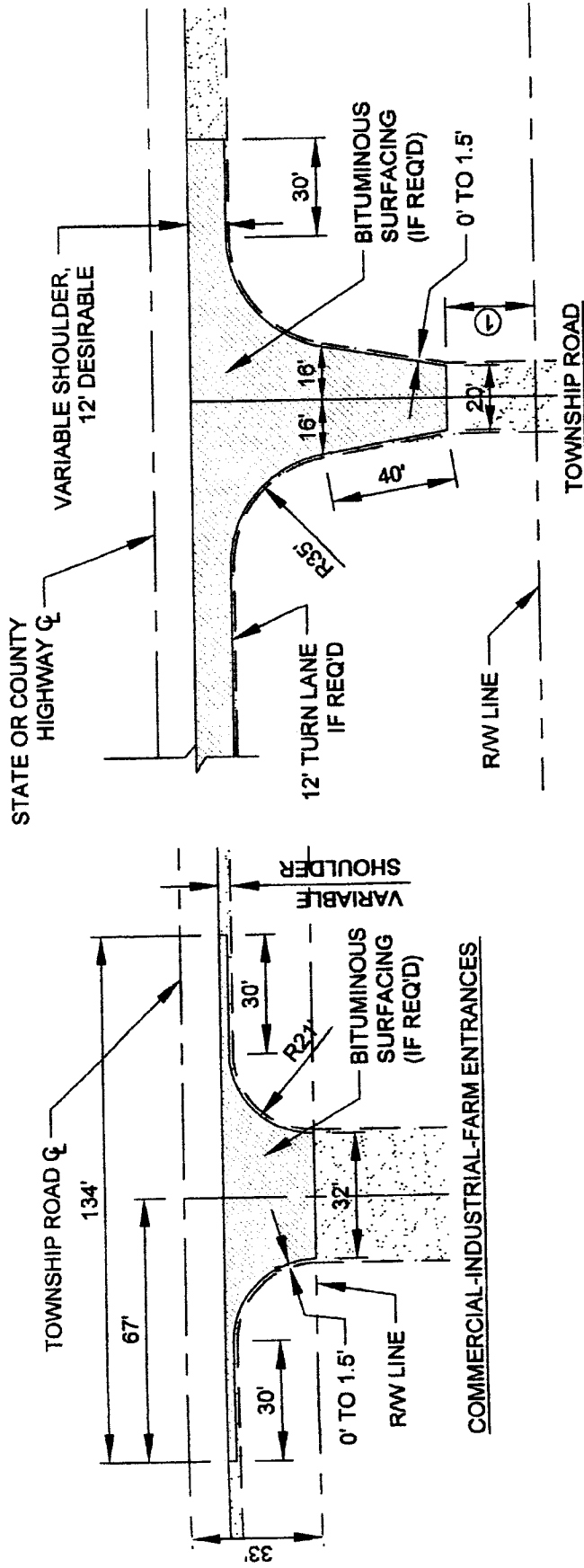
If topography and constructed grade permit slope roadway toward island. Sign showing one-way traffic to the right. Right-of-Way shall be extended 33 feet outside the centerline of the roadway around the island.



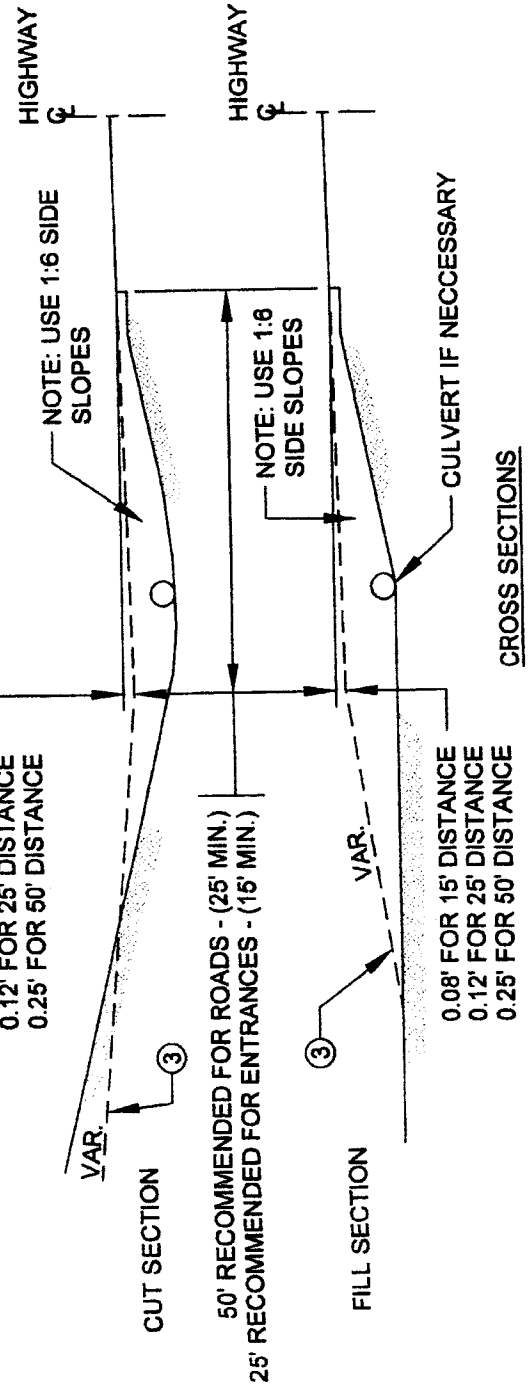
Cul-de-sac infiltration island accepts stormwater from surrounding pavement. Note flat curb.

TODD TOWNSHIP

RECOMMENDED MINIMUM SECTIONS FOR TOWNSHIP MAINTAINED ROADWAYS



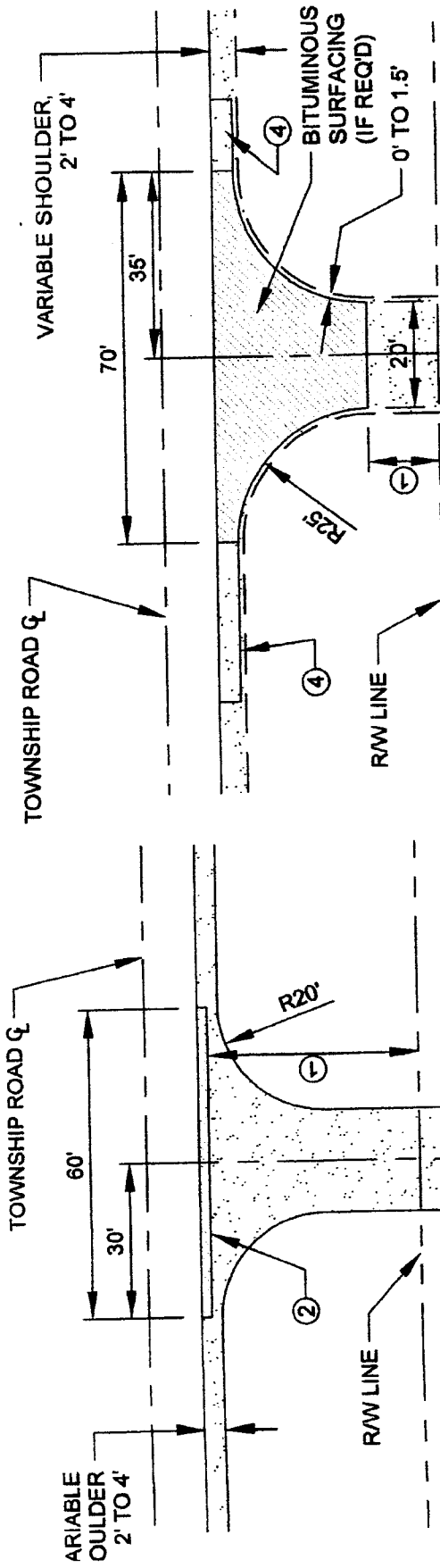
- ① Surfacing to match existing conditions. Where there is no surfacing, place gravel beyond bituminous surfacing to R/W line.
- ② 8% max. commercial; 15% max. residential.



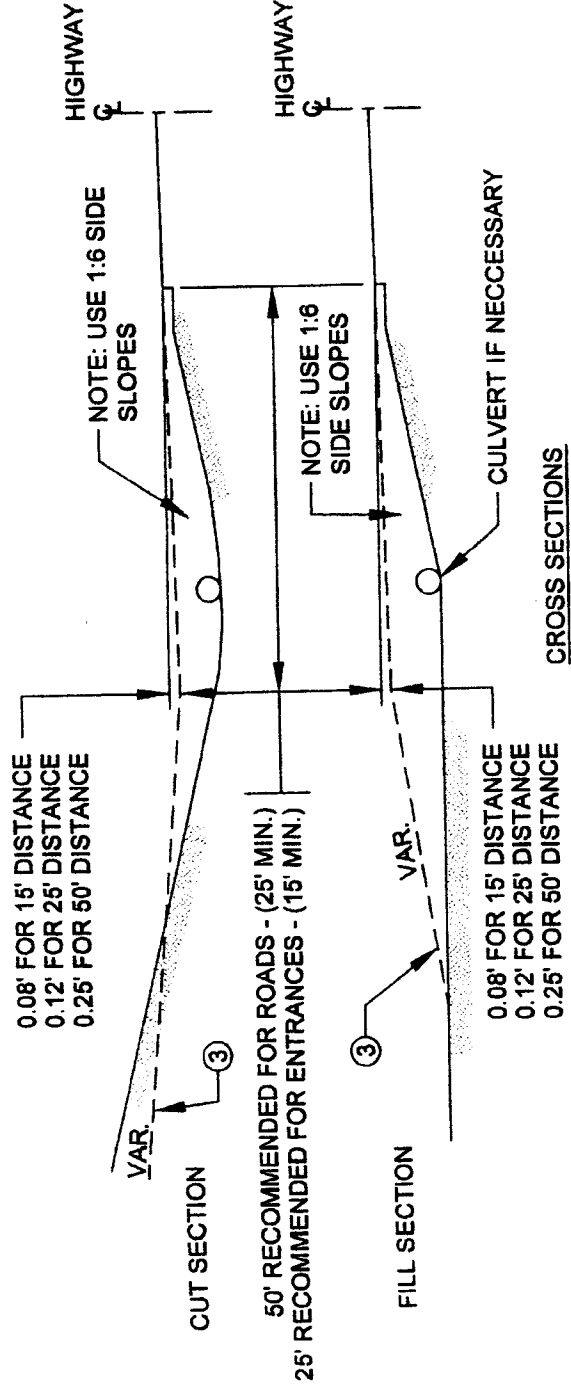
APPROACHES AND ENTRANCES

TODD TOWNSHIP

RECOMMENDED MINIMUM SECTIONS FOR TOWNSHIP MAINTAINED ROADWAYS



RURAL RESIDENCE ENTRANCE



- ① Surfacing to match existing conditions. Where there is no surfacing, place gravel beyond bituminous surfacing to RW line.
- ② If req'd, place 2 ft. wide bituminous surfacing as directed by engineer.
- ③ 8% max. commercial; 15% max. residential.
- ④ The use of paving similar to commercial entrances may be appropriate for some residences. As shown in plans or directed by the engineer.

CROSS SECTIONS

APPROACHES AND ENTRANCES



**TODD TOWNSHIP
804 Crocus Hill Street E.
Park Rapids, Minnesota 56470**

Public Notice of Hearing

The Todd Township Board of Supervisors will conduct a Public Hearing on the **13th day of June, 2011 at 8:00 p.m.** at the Hubbard County Courthouse, Basement Meeting Room. The purpose of the Hearing will be to take comments on the revised Draft Road & Access Ordinance [Ordinance 2011-04] and Profiles.

A copy of the revised Draft Road & Access Ordinance can be viewed by contacting the Todd Township Clerk at 1.218.732.3772 during regular business hours. If you wish to submit written comment prior to the Public Hearing on this matter, you can send it to the Attn: Todd Township Clerk, 804 Crocus Hill Street E. Park Rapids, MN 56470. The public is invited to attend.

By Order of the Todd Township Board of Supervisors
Pat Cadreau, Clerk



**TODD TOWNSHIP
804 Crocus Hill Street E.
Park Rapids, Minnesota 56470**

PUBLIC NOTICE

ADOPTION OF ROAD AND ACCESS ORDINANCE 2011-04

**THE TOWN BOARD OF SUPERVISORS OF TODD TOWNSHIP, HUBBARD COUNTY,
MINNESOTA ORDAINS AS FOLLOWS**

That on June 13th, 2011 the Todd Township Board of Supervisors conducted a Public Hearing at 8:00 p.m. in the basement room of the Hubbard County Courthouse on Ordinance 2011-04 Todd Township Road and Access Ordinance. Said Hearing was recessed to September 12th, 2011 for additional clarifications. Following said Public Hearing, the Todd Township Board of Supervisors made the recommendation to adopt the Todd Township Road & Access Ordinance 2011-04 with the following summary language describing the Ordinance as identified below:

- 1.0 Authority/Purpose – Identifies the statutory authority and purpose for the Ordinance
- 2.0 General Provisions and Conditions – How roads will be accepted
- 3.0 Road Construction Standards – Standards for roads being constructed
- 4.0 Driveway and Access Standards – Standards for Driveways and Accesses
- 5.0 Enforcement of Ordinance – Procedures used for Violations of Ordinance
- 6.0 Penalties – Violation costs and charges
- 7.0 Amendments or Changes – Process when Ordinance is changed
- 8.0 Validity and Severability – States if one portion of Ordinance is invalid; it should not invalidate other portions.
- 9.0 Repeal Clause – Clause to repeal the prior Road and Access Ordinance
- 10.0 Effective Date – Date upon which the Ordinance becomes effective.
- 11.0 Appendices
 - 11.1 Appendix A: Road profiles for roads and accesses/ revised
- 12.0 Public Notice of Hearing
- 13.0 Adoption Summary

A copy of Ordinance 2011-04, Todd Township Road and Access Ordinance will be on file at the Park Rapids Library, located in Park Rapids, Minnesota, 56470 and at the office of the Planning Commission Secretary at 14514 Eagle Pointe Drive, Park Rapids, MN or you can obtain a copy by contacting the Todd Township Zoning Administrator at 1.218.237.3788 during regular business hours.

By Order of the Todd Township Board of Supervisors
Pat Cadreau, Clerk



Todd Township
"Where the good living begins"

APPLICATION FOR ROAD AND ACCESS PERMIT

Permit Number: _____

The attached Ordinance is considered part of this permit form.

Owner Name: _____

Mailing Address: _____

Telephone(s): _____

Applicant Name: _____ Telephone(s): _____

Address and Location of Driveway/ Access: _____

911 Numbers: _____

Purpose of Driveway / Access: Residence Commercial (Specify Type) _____ Other (Specify Type)

Property Platted? No Yes Date Proposed Entrance Needed _____

Number of present driveways to property: _____

Contractor: _____ Address: _____

I/we, the undersigned, herewith make application for permission to construct the driveway / access at the above location, said entrance to be constructed in accordance with Todd Township Road and Access Ordinance adopted January 12th, 2005 and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Town Road Authority. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued. It is expressly understood that this permit is conditioned upon replacement or restoration of the town road to its original or satisfactory condition. It is further understood that this permit is issued subject to the approval of the Todd Township Road Authority.

_____ Date

_____ Signature of Applicant

ROAD & ACCESS PERMIT

*** NOT VALID UNLESS SIGNED AND NUMBERED**

PERMIT NUMBER: _____

A non-refundable fee of \$50 dollars for the permit, made payable to "Todd Township" and a construction deposit of \$500.00, made payable to "Todd Township Road Escrow Account" must be made at the time of application. Upon final inspection and approval by the Township Road Authority, the deposit will be returned.

Permission is hereby granted for the consideration of the driveway as described in the above application, said driveway to be constructed in accordance with Todd Township Road and Access Ordinance adopted January 12th, 2005 and to any special provisions included in the permit.

Special Provisions:

Culvert ___ Yes ___ No Other: _____

A fee and construction deposit of \$550, in the form of cash, check or money order shall be paid at the time of application.

Deposit by: Cash _____ Check # _____ Money Order # _____ -

In the event that construction has not been completed and approved within six months (6 months) of the date of the issuance of this permit, this permit becomes null and void. The permit fee is non-refundable unless prior agreement in writing is made with the Township Road Authority.

Date: _____ By: _____
Todd Township Road Authority



ROAD & ACCESS PERMIT: FINAL APPROVAL

Final Approval of the constructed driveway / access entrance: _____

This approval will authorize the return of the construction deposit from Todd Township at the regular monthly meeting when warrants are issued. Any return of less than the total amount of the deposit will be explained and documented.

Date: _____ By: _____
Todd Township, Chair

Attest: _____ By: _____
Todd Township, Clerk/Treasurer

Todd Check #: _____ Amount Refunded: _____ Date Issued: _____

**TODD TOWNSHIP
HUBBARD COUNTY, MINNESOTA**

ORDINANCE NO. 2006 – 06.01

**An Ordinance Regulating Todd Township Road Rights-of-Way and The
Construction, Installation, Operation, Repair, Maintenance, Removal And
Relocation Of Facilities And Equipment Used For The Transmission Of
Telecommunications Or Related Services In The Public Ground Of The Town And
Providing Penalties For The Violation Thereof**

The Town Board for the Town of Todd, Hubbard County, Minnesota, hereby ordains:

Section 1.00: Purpose and Authority.

1. **Purpose.** The primary objectives of this Ordinance are to protect public safety, reduce interferences with public travel, protect the public's interest in its Rights-of-Way, and to provide for the efficient and uniform administration of the Town's road Rights-of-Way. The Board finds that the regulations, requirements, and restrictions, as set forth in this Ordinance, are in the best interests of the health, safety, and welfare of the Town's citizens.
2. **Authority.** As a road authority, the Board has broad authority to regulate what occurs within the Town's road Rights-of-Way. This authority is found in Minnesota Statutes § 365.10, subd.17, a variety of sections in chapters 160, 164, 165, 222, 237, 429, and other chapters, as well as the rules associated with those chapters.

Section 2:00. Definitions.

For the purposes of this Ordinance, the following terms shall have the meaning given them in this section.

1. **Approach.** "Approach" means the area of the Right-of-Way between the traveled surface of the road and the adjacent property that is intended to provide access for vehicles or equipment from the road to the adjacent property.
2. **Board.** "Board" means the Town Board of Supervisors of Todd Township, Hubbard County, Minnesota.
3. **Facility.** "Facility" means any tangible asset in the public right-of-way or on public ground required to provide utility services.
4. **Headwall.** "Headwall" means rock, concrete, masonry, metal, timber or other similar materials placed on the sides of an approach as support, to prevent erosion, or for decorative purposes.
5. **Junk.** "Junk" means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, garbage, waste materials, rubbish, rubber debris, appliances, waste, or junked, dismantled, or wrecked automobiles, or farm or construction machinery or parts thereof, brass, iron, steel, and any other old or scrap ferrous or nonferrous material.

6. **Person.** "Person" means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political. Examples include:
 - a. A business, corporation, business trust, partnership or association or any other legal entity or commercial enterprise organized as any type or combination of corporation, limited liability company, partnership, limited liability partnership, proprietorship, association, cooperative, joint venture, carrier or utility, and any successor or assignee of any of them;
 - b. A social or charitable organization; and
 - c. Any type or combination of political subdivision, which includes the executive, judicial, or legislative branch of the state, a local governmental unit, or a combination of any of them.

7. **Public Ground.** "Public Ground" includes Public Right-of-Way and other land owned or otherwise controlled by the Town for park, open space or similar public purpose, which is held for use in common by the public.

8. **Public Right-of-Way.** "Public right-of-way" means the area on, below, or above a public roadway, highway, street, cartway, alley, bicycle lane, and public sidewalk in which the Town has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the Town.

9. **Utility Service.** "Utility Service" includes (1) services provided by a public utility as defined in Minnesota Statutes, section 216B.02, subdivisions 4 and 6; (2) services of a telecommunications right-of-way user, including the transporting of voice or data information; (3) services provided by a cable communications system as defined in Minnesota Statutes, chapter 238; (4) natural gas or electric energy or telecommunications services provided by a local government unit; (5) services provided by a cooperative electric association organized under Minnesota Statutes, chapter 308A; and (6) water, sewer, steam, cooling, or heating services.

10. **Right-of-Way User.** "Right-of-way user" means: (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subdivision 4; or (2) a person owning or controlling a facility in the public right-of-way that is used or is intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

11. **Town.** "Town" means the organized government of Todd Township, Hubbard County, Minnesota.

Section 3:00. Cultivation and Landscaping.

1. **Cultivation.** No person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes, or shrubs within a Right-of-Way.

2. **Landscaping.** No person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage of a Right-of-Way. No person may place watering systems, or sprinkler heads within a Right-of-Way.

Section 4:00. Obstructions and Junk.

1. **Obstructions.** No person may place, maintain, or allow any obstruction in a Right-of-Way other than those specifically permitted by this Ordinance, by state law or rule, or by written approval of the Board. Items prohibited by this section include, but are not limited to the following; fences,

posts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use of the maintenance of the Right-of-Way. No person shall park a functioning vehicle in a Right-of-Way in such a way as to unreasonably interfere with the safe use of a road or the maintenance of the Right-of-Way.

2. **Junk.** No person shall place or maintain junk in a Right-of-Way.

Section 5:00. Alteration of Grade.

No person may alter or change the depth or contour of any portion of any ditch or embankment in a Right-of-Way without written approval of the Board.

Section 6:00. Unauthorized Maintenance.

No person may work, maintain, improve, or repair the traveled portion of a Right-of-Way without the written approval of the Board.

Section 7:00. Doing Damage.

No person shall cause damage to a Right-of-Way without the written approval of the Board. Any person doing damage within a Right-of-Way with approval of the Board shall return the Right-of-Way to at least the same condition it was in prior to the damage.

Section 8:00. Mailboxes, Signs, and Newspaper Boxes.

1. **Mailboxes.** Mailboxes and newspaper boxes are permitted within a Right-of-Way if they do not interfere with, obstruct, or render dangerous for passage of a road. Mailboxes placed within a Right-of-Way must comply with all of the standards in Minnesota Rules Chapter 8818. The Board may remove and replace mailboxes that do not comply with the standards as provided in Minnesota Statute, Section 169.072.
2. **Signs.** No sign of any nature may be placed or allowed to remain in any Right-of-Way except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law.

Section 9:00. Approaches and Headwalls.

1. **Approaches.** No person may construct or reconstruct any approach to a road without first obtaining approval by the Board. A person may be required to submit a map or drawing of the existing or proposed approach when seeking approval.
2. **Culverts.** A person constructing or reconstructing an approach may be required to install a culvert meeting the specifications set out by the Board if the Board determines a culvert is necessary for a suitable approach to the road and to promote adequate drainage of the Right-of-Way.
3. **Costs.** A person constructing or reconstructing an approach to an existing road shall be responsible for paying all of the costs related thereto, including the cost of seeking all necessary approvals and the cost of a culvert if one is required. Property owners are responsible for maintaining all approaches and associated culverts on their property at their own cost.

4. **Headwalls.** No person may construct or reconstruct any headwall in a way that interferes with the safe use or maintenance of a Right-of-Way.

Section 10:00. General Provisions

1. **Damage to Public Facilities.** Any person who damages or destroys public facilities located in the right-of-way, including streets, alleys, lanes, curbs, ditches, gutters, sidewalks, trails, sanitary and/or storm sewers, water main, street lights and poles, or other publicly owned property, or causes such actions to occur, shall be liable for the costs of repair and/or replacement resulting from such damage or destruction.
2. **Obstruction of Public Ground.** No person shall encumber or obstruct any street, alley, lane, ditch or gutter, sidewalk, trail or other public place within the corporate limits of the Town by placing therein or thereon any building, structure, building or construction materials, rock, sand, soil, wood, or other impediment, material or substance whatsoever, or by making any excavation or opening therein, without first having obtained permission in writing from the Town to do so.
3. **Recovery of Costs for Damage or Obstruction.** When any damage, destruction, obstruction or encumbrance of any kind occurs or is put, placed, or left in the right of way, including streets, alleys, lanes, curbs, ditches, gutters, sidewalks, trails, or other public place, the Town shall attempt to notify the person who damaged, destroyed, put, placed, or left such obstruction or encumbrance as well as the owner of the abutting property if they are not the same person, to remove the obstruction or encumbrance or repair the damage or destruction within a specified amount of time. If such person fails or refuses to remove such obstruction or encumbrance within the specified amount of time, the Town may have such obstruction or encumbrance removed by Township employees or contractors, in which case the Town shall make an itemized account of any expenses incurred in or by reason of such removal. The Town may recover from the person who damaged, destroyed, put, placed, or left such obstruction or encumbrance as well as any person who caused such actions to occur, all such expenses incurred by the Town by sending an invoice or, by Town Board order, by any other lawful means, including a civil suit. All invoices sent pursuant to this subdivision shall be paid within 30 days of mailing of such invoice. Any expenses incurred by the Town but not otherwise recovered may be recovered by special assessment of property located within the Town which is owned by the person who damaged, destroyed, put, placed, or left such obstruction or encumbrance in the Right of Way or who caused such actions to occur.
4. **Unloading.** Unless otherwise prohibited by the Town, a person may unload materials from a vehicle parked in the right-of-way for a period not exceeding two (2) hours, provided that the vehicle is parked in such a manner that two cars are able to safely pass that parked vehicle at the same time.
5. **Driveway Installation.** No person or entity shall install or connect a driveway to a Town road located within a public right-of-way without first obtaining a Driveway permit.

Section 11:00. Enforcement and Penalties.

1. **Enforcement.** 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 initiate appropriate action for any violations of this Ordinance at the direction of the Board and through the Township Attorney as deemed necessary.
2. **Violation Occurs.** 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. **Immediate Correction.** In the event that a violation 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. As soon thereafter as practical the Township shall provide written notice to the owner or occupant of the premises of the actions taken. 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.
4. **Thirty Days Written Notice.** A written notice pursuant to this section 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. **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 in Paragraph 2 of this Section. In order to expedite matters, the Township may at its discretion, include notice of the aforementioned hearing in the original notice of violation.
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.
7. **Prosecution.** Any person who violates a Section, Subdivision, paragraph, or provision of this Ordinance 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.
8. **Penalties.** Violation of this Ordinance is a petty misdemeanor offense, punishable by up to the maximum amount allowed by state 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.
9. **Types of Remedies.**
 - 9.1 **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.
 - 9.2 **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 12:00. Permit Procedures for Right-of-Way Users.

The prohibitions, requirements, and restrictions contained in this Ordinance do not apply to: town officers, employees, or agents while operating within the course and scope of their duties for the Town; or contractors while performing services within the scope of a contract with the Town.

1. **Permission and Permit Procedures Permit Required.** A person may not construct, install, repair, remove or relocate facilities, or any part thereof, or otherwise open or disrupt any public ground without first obtaining a permit from the Town. The Town shall require a separate permit of a right-of-way user for each location where construction, installation, or other disturbance of the public ground is to occur. Each permit shall state specifically the locations of any facilities, and the nature of the work necessitating the permit, and shall contain reasonable regulations and conditions to protect the health, safety and welfare of the populace of the Town.
2. **Application.** Application for a permit is made to the Town Clerk. A person shall apply for a permit or renewal of a permit a minimum of two (2) weeks before starting work and must submit detailed plans for street or sidewalk use and pedestrian safety on major projects. This provision or portions thereof may be waived by the Town in the event of an emergency.
3. **Issuance of Permit.** If the Town Board determines that the applicant has satisfied the requirements of this Ordinance a permit may be issued. An applicant may contest a permit denial or the conditions of approval by written notice to the Clerk requesting Town Board reconsideration within fourteen (14) days of the denial. The Town Board shall hear any permit denial contest within forty-five (45) days of the Clerk's receipt of the contest notice. Nothing in this Ordinance precludes the Town from requiring a franchise agreement with the applicant, as allowed by law, in addition to the issuance of a permit set forth herein.
4. **Permit Fee.** The application must be accompanied by the permit fee as established in Town Fee Ordinance. For the year 2006 said permit fee is hereby established as One Hundred Dollars (\$100).
5. **Security for Completion of Work.** Prior to commencement of work, the person must deposit with the Town security in the form of certified check, letter of credit, or construction bond, in a sufficient amount as determined by the Town for the completion of the work. The securities will be held for up to 24 months. Upon written request all or part of the security may in the Board's sole discretion be released prior to the expiration of the 24 month period. Upon application of the person, providing such information as the Town may require, if two or more work projects are to be constructed during a calendar year, the Town may accept, in lieu of separate security for each project, a single security for multiple projects in such form and amount as determined, in the discretion of the Town Board, to be sufficient to assure completion of all projects which may be in progress at any one time during that calendar year and to guaranty that restoration work will be satisfactorily completed. The security will then be returned to the person with interest if required by law and then interest at the applicable statutory rate.

The Town may draw on said security to complete work not performed by the permit holder, to reimburse itself for costs incurred in the enforcement of this Ordinance, including attorney fees, to repair or correct deficiencies or other problems which occur in the right-of way during the period in which the security is in place, or to otherwise fulfill the obligations of the permit holder under this Ordinance. This remedy is in addition to any other remedies available to the Town.

Limitations. Any person receiving permission or a permit from the Board as provided in this Ordinance must comply with all applicable federal, state, and local laws and rules as well as all applicable Town Ordinances, resolutions, specifications, regulations, and policies. Any person receiving permission or a permit must comply with all conditions, requirements, and limitations the Board expresses as part of the permission or permit. Failure to comply with any of the

conditions, requirements, or limitations shall void the permission or permit and could place the person in violation of this Ordinance.

Section 13:00. Restoration and Relocation.

1. **Restoration.** Upon completion of the work contemplated by a permit, the permit holder must restore the general area of the work, including the pavement and its foundations, to the same or better condition than existed prior to commencement of the work necessitating a permit. The work must be completed as promptly as weather permits. If the permit holder does not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and restore the public ground to the same condition, the Town may put it in the same condition at the expense of the permit holder. The permit holder must, upon demand, pay to the Town the direct and indirect cost of the work done for or performed by the Town, including, but not limited to, the Town's administrative costs within 30 days of being billed for such costs.
2. **Right-of-Way User Initiated Relocation.** A right-of-way user must give the Town written notice and obtain a permit prior to a right-of-way user initiated relocation of facilities. A right-of-way user initiated relocation shall be at the right-of-way user's expense.
3. **Town Required Relocation.** A right-of-way user shall promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way when it is necessary to prevent interference, and not merely for convenience of the Town, in connection with: (1) a present or future use of the right-of-way for a public project; (2) the public health or safety; or (3) the safety and convenience of travel over the right-of-way.
4. **Public Ground Vacated and Relocation is not Required.** If the Town vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation does not require the relocation of the right-of-way user's facilities, the Town shall, except when it would not be in the public interest, reserve to and for itself and all right-of-way users having facilities in the vacated right-of-way, the right to install, maintain, and operate facilities in the vacated right-of-way and to enter upon the right-of-way at any time to reconstruct, inspect, maintain, or repair the facilities.
5. **Public Ground Vacated and Relocation is Required.** If the Town vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation requires the relocation of the right-of-way user's facilities, payment of the relocation costs must be determined as follows: (1) if the vacation proceedings are initiated by the right-of-way user, the right-of-way user must pay the relocation costs; (2) if the vacation proceedings are initiated by the local government unit for a public project, the right-of-way user must pay the relocation costs unless otherwise agreed to by the local government unit and the right-of-way user; or (3) if the vacation proceedings are initiated for the purpose of benefiting a person other than the right-of-way user, the benefited person must pay the relocation costs.

Section 14:00. Permit Holder Default

1. **Notice.** If the right-of-way user has failed to comply with the terms and conditions of the permit, including, but not limited to, restoration requirements for more than 30 days after receiving written notice from the Town of the default, the Town may terminate the rights of the right-of-way user under the permit, subject to the Town's absolute right to revoke the permit at any time in the exercise of the Town's police powers. The notice of default shall be in writing and specify the provisions of the permit under which the default is claimed and state the grounds of the claim. The notice shall either be personally served on the right-of-way user or served by the certified mail to the address of the right-of-way user provided on the permit application.
2. **Town Action on Default.** If the right-of-way user is in default in the performance of the work

authorized by the permit, the Town may, after the above notice to the right-of-way user, and failure of the right-of-way user to cure the default within 30 days, take such action as may be reasonably necessary to abate the condition caused by the default. The right-of-way user shall reimburse the Town for the Town's costs and expenses, including costs of collection and attorney fees incurred as a result of the right-of-way user's default. The security posted may be applied by the Town first toward payment of said costs and expenses. Notwithstanding the 30-day notice period provided for in paragraph 1 above, in the event that a default by the right-of-way user will reasonably result in irreparable harm to the environment or to public or property, the Town may immediately prevent, reduce or otherwise mitigate such irreparable harm, provided that the Town makes good-faith, reasonable efforts to notify the right-of-way user as soon as is practicable of the default, the projected irreparable harm, and the intended actions of the Town to remedy said harm.

Section 15:00. Other Conditions of Use by Right-of-Way Users.

1. **Use of Public Ground.** Facilities must be located, constructed, installed, maintained or relocated so is not to endanger or unnecessarily interfere with the usual and customary traffic, travel, and use of public ground. The facilities are subject to additional conditions of the permit as established therein, including, but not limited to (i) the right of inspection by the Town at reasonable times and places; (ii) the obligation to relocate the facilities pursuant to Section 13; and (iii) compliance with all applicable regulations imposed by the Minnesota Public Utilities Commission, and other State and Federal laws, including prompt compliance with the requirements of the Gopher State One Call program, Minnesota Statutes, Chapter 216D.
2. **Location.** The facilities must be placed in a location agreed to by the Town. The company shall give the Town forty-five (45) days advanced written notice of the company's proposed location of facilities within the public ground. No later than 45 days after the Town's receipt of the company's written notice, the Town will notify the company in writing of the Town's acceptance or rejection of the proposed location. If the Town rejects the company's proposed location, the Town shall propose alternative locations. The Town does not waive or forfeit its right to reject the location of facilities by failure to respond within 45 days.
3. **Emergency Work.** A right-of-way user may open and disturb the surface of public ground without a permit where an emergency exists requiring the immediate repair of its facilities. In such event, the right-of-way user must request a permit not later than the second working day thereafter, and comply with the applicable conditions of the permit. In no event may the right-of-way user undertake such an activity, which will result in the closing of a street or alley without prior notification to the Town.
4. **Street Improvements, Paving or Resurfacing.** The Town will give the right-of-way user written notice of plans for street improvements where permanent paving or resurfacing is involved. The notice shall contain (i) the nature and character of the improvements; (ii) the streets upon which the improvements are to be made; (iii) the extent of the improvements, the time when the Town will start the work; and (iv) if more than one street is involved, the sequences in which the work is to proceed.
5. **Company Protection of Facilities.** A right-of-way user must take all reasonable measures to prevent its facilities from causing damage to persons or property. A right-of-way user must take all reasonable measures to protect its facilities from damage that could be inflicted on the facilities by persons, property or the elements. The right-of-way user must take all reasonable protective measures when the Town performs work near the facilities.
6. **Guarding of Obstructions or Dangers.** If a right-of-way user shall obstruct any public ground, such right-of-way user shall keep such obstruction or obstructions properly guarded at all times. From sunset to sunrise, all obstructions must be guarded by a sufficient number of warning lights

placed in such a manner that they will give proper warning of said obstruction. The Town may require any other restrictions or safety regulations as may be in the public interest.

7. **Prior Service Connections.** In cases where the Town is undertaking the paving or resurfacing of streets and the facilities are located under such street, the company may be required to install service connections prior to the paving or resurfacing if it is apparent that service will be required during the five year period following the paving or resurfacing

Section 16:00. Indemnification by Right-of-Way Users.

1. **Scope.** The right-of-way user will indemnify, keep, and hold the Town, its elected officials, officers, employees, and agents free and harmless from any and all claims and actions on account of injury or death of persons or damage to property occasioned by the construction, installation, maintenance, repair, removal, relocation or operation of the facilities affecting public ground, unless such injury or damage is the result of the negligence of the Town, its elected officials, employees, officers, or agents, except that the right of way user will be required to indemnify the Town for any claims based on the local government unit's negligent or otherwise wrongful act or omission in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition, or purpose of the permit granted to the permit holder.
2. **Claim Defense.** If a claim or action is brought against the Town under circumstances where indemnification applies, the, right-of-way user at its sole expense, shall defend the Town. If the right-of-way user undertakes the defense, the right-of-way user shall not settle without the consent of the Town. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the Town. In defending any action on behalf of the Town, the company is entitled to assert every defense or immunity that the Town could assert in its own behalf.

Section 17:00. Effective Date and Applicability to Existing Facilities.

Right of way users with facilities, in, on, over, under, or along public ground on the effective date of this Ordinance must take prompt action to comply with this Ordinance and the permits authorized by this Ordinance. A company, however, is not required to reapply for a permit obtained from the Town prior to the effective date of this Ordinance. A company is not required to pay the difference between the permit fee of a previously obtained permit and the equivalent newly obtained permit under this Ordinance. All other provisions of this Ordinance apply to existing facilities.

Section 18:00. Acceptance of Requirements.

By receiving a permit pursuant to this Ordinance, the right-of-way user accepts and agrees to comply with all of the requirements of this Ordinance.

Section 19:00. Validity and Severability.

Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Section 20:00. Savings Clause.

The failure of the Board to exercise, and any delay in exercising, any right under this Ordinance, including enforcement, shall not operate as a waiver thereof and shall not constitute a waiver of the Town's interest, however created, in any Right-of-Way, easement, or any other type of property interest.

Section 21:00. Effective Date.

This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of Todd, this 13th day of March, 2006.

APPROVED: March 13th, 2006

TODD TOWNSHIP

/s/ JAMES SCHAUER, CHAIRMAN
TODD TOWNSHIP

ATTEST:

/s/ MILDRED H. LOVIN, CLERK
TODD TOWNSHIP



Todd Township
Hubbard County, State of Minnesota

Bridget Chard & Associates
Bridget Chard, SCPC / ROW Director
13537 Hillcrest Lane SW
Pillager, MN 56473

E-Mail: bchard@brainerd.net
E-Mail: bridgetchard@gmail.com Blackberry
1.218.825.0528 H. Office Voice Mail
1.218.839.4576 C. Voice Mail Blackberry

APPLICATION FOR ROAD RIGHT OF WAY

Permit Number: _____ Date: _____, 2012

The attached Ordinance is considered part of this permit form.

Applicant Name: _____

Mailing Address: _____

Telephone(s): _____ (Work) / Phone: _____ (Home)

E-Mail: _____ Cell: _____

Address and Location of Right of Way work: _____

911 Numbers: _____ Parcel ID#(s) _____

A. Purpose of Right of Way work:

Attach all Documentation and Location Sketch to this Application: Show proposed work in relation to the center line of the Township Right-of-Way and other pertinent features such as right-of-way lines, shoulder lines, curb lines (if any) and edge of surfacing. The proposed work should also be referenced to adjacent land lines.

B. Method of installing under Road beds (if open trench, explain why necessary)

Jacking: _____

Boring: _____

Pneuma Gopher: _____

C. Extent and Location of Tree Clearing: _____

D. Replacement Work: Yes _____ No _____

E. Time Frame for Work:

Date Proposed Work to be commenced: _____

Date Proposed Work to be completed: _____

I/We, the undersigned, herewith make application for permission to work in the Todd Township Road Right(s) of Way at the above location(s), said work to be constructed in accordance with Todd Township Ordinance No. 2006-06.01 An Ordinance Regulating Todd Township Road Rights-of-Way And The Construction, Installation, Operation, Repair, Maintenance, Removal And Relocation Of Facilities And Equipment Used For The Transmission Of Telecommunications Or Related Services In The Public Ground Of The Township And Providing Penalties For The Violation Thereof adopted March 6th, 2006, as amended from time to time, and to any special provisions included in the permit. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued. It is expressly understood that this permit is conditioned upon replacement ore restoration of the Town Road Right-of-Way to its original or satisfactory condition. It is further understood that this permit is issued subject to the approval and satisfaction of the Todd Township Right of Way Director.

Contractor:

Contact Person(s):

Address:

Phone(s): _____

Cell(s): _____

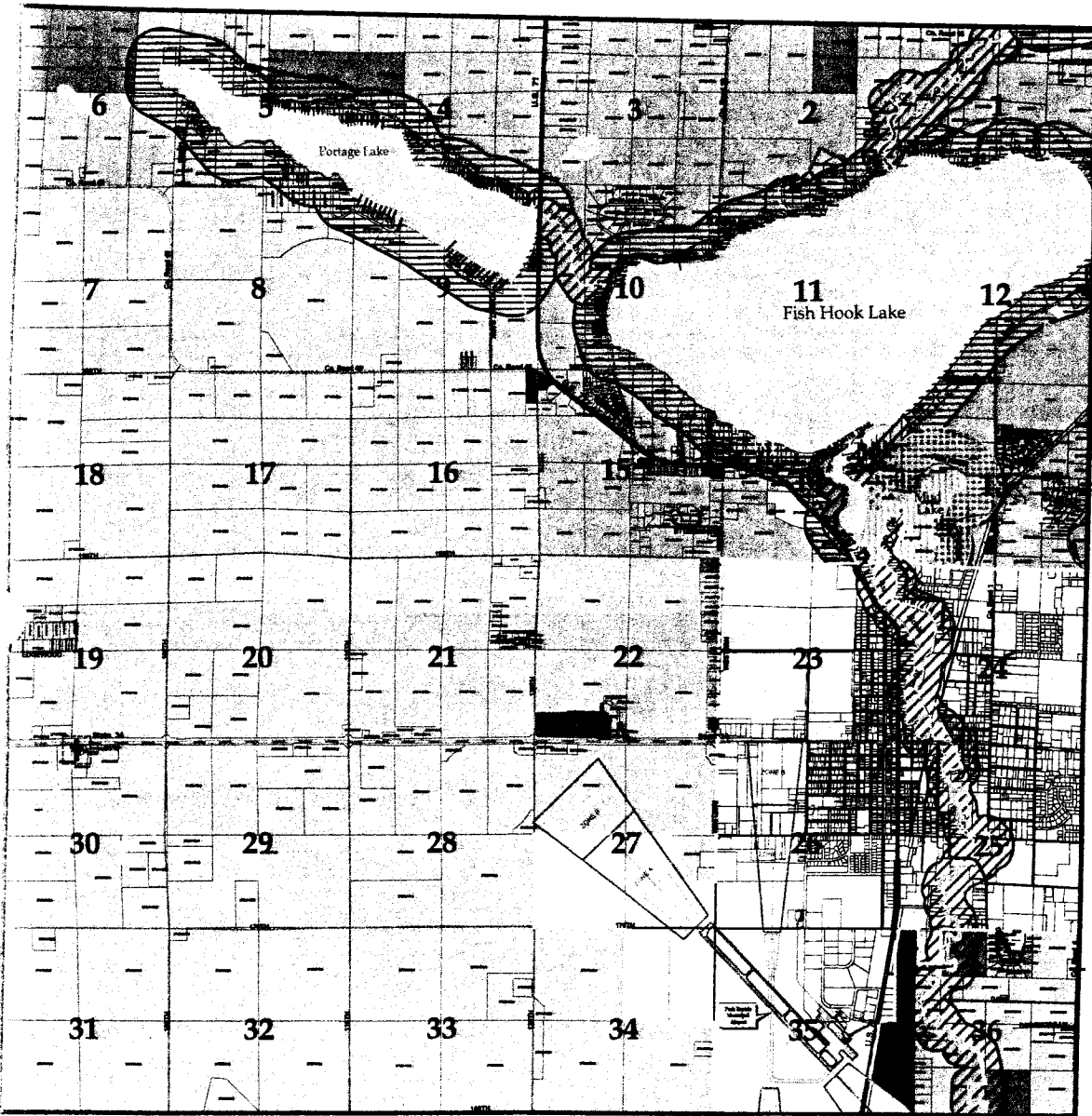
E-Mail: _____

DATE: _____

Official Land Use and Zoning Map

Todd Township Hubbard County, MN

T.140N. - R.35W.



<p>Land Use Districts <i>(Managed by Todd Township)</i></p> <ul style="list-style-type: none"> Agricultural Rural Residential Commercial Public / Parks 	<p>Shoreland Management Districts <i>(Managed by Hubbard County)</i></p> <ul style="list-style-type: none"> Recreational Development lake Tributary River Segments Natural Environment Residential Lake 	<p>City of Park Rapids</p>	<ul style="list-style-type: none"> US Highway MN State Highway County Highway Municipal Road Minor Road 	<ul style="list-style-type: none"> Municipal Boundary Parcel Boundary Township Boundary Waterway
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Pro-West & Associates, Inc.



March 2007



The data set and associated materials are provided without guarantee as to the accuracy or suitability for any particular purpose.