



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

1. Road acceptance will be done under the proceedings of Minnesota Statute § Section 164.07.
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).
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.



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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]
5. A Developer doing a minor subdivision of more than two lots 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. *Amended 01.09.19*
6. Todd Township will not allow any further private or unpaved roads with a subdivision of more than two lots or a new Plat. *Amended 01.09.19*
7. 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.
- 2.1.8. 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

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.
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. Minimum ditch depth is 2.5 feet measured from the top of aggregate base course at the edge of shoulder. *Amended this section on 01.09.19*
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



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construction as previously defined. The Contractor may be required to provide 3rd party density tests, as directed by the Township.

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-grade shall be free of rocks greater than 3" in diameter and sticks greater than 1" in diameter and 6" in length.
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:
6. Plant mix bituminous surface: 1/8th – 1/4th inch of drop per foot road width with a recommended 2% crown as shown on the sample drawings.
7. Gravel or granular soil surface: 1/4th – 1/2 inch of drop per foot road width with a recommended 4% crown as shown on the sample drawings.
8. All Township residential graveled as well as any new subdivision roads shall be designed to meet a minimum nine-ton pavement standard.
9. After December 2009, all "through" roads, commercial or industrial classified roads shall be designed to meet a minimum ten-ton pavement standard.
10. 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

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.
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. 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].



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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

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).
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. 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

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.

- 1.1. Driveways accessing onto township entrances prior to an intersection must meet Township and MN/Dot safety specifications.
- 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.
- 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].



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- 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].
- 1.5. Minimum spacing between driveways at the road shoulder will be one hundred feet (100 feet).
- 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.
- 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.
- 1.8. All new mailboxes will be required to conform to State of Minnesota Department of Transportation mailbox support (swing-away type), a copy of which is attached as Appendix B. Further, a mailbox will be required to meet the necessary setbacks and heights as shown on the example and as required by the U.S. Postal Service (USPS). **Amended 08.12.2013**
- 1.9. In addition to the above, new mailboxes will now be required when either of the following happens: **Amended 08.12.2013**
 - a. A new road is constructed and will be taken over by the Township.
 - b. The Township constructs and paves a new road.
 - c. Replacement and/or installation of USPS mailboxes will be at Owner's expense.

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];

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.
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.
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. 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,



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shrubs, wood trash piles, boulders, equipment, fencing, and other such items.

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.
 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 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

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.
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.
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. 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

1. Upon receipt of application, the access and/or driveway entrance location will be inspected to determine culvert requirements.
2. If the access and/or driveway location is satisfactory and no culvert is required, the approval notice will indicate said fact.
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

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.



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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.

SECTION FIVE

ENFORCEMENT OF ORDINANCE

5.1. Town Board Enforcement

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.
 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

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

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



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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.

5.4. Hearing

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

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.

2. Types of Remedies

- 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.
- 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

1. Hearing

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



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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.

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. Appendices

- 6.1. Appendix A: Road Profile Standard designs for collector and local roads.
- 6.2. Appendix B: State of Minnesota Department of Transportation, Mailbox Support (swing-away type).



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



Supervisor Mikus moved to adopt the following revised Todd Township Road and Access Ordinance 2011. Supervisor Adrian seconded the motion.

The motion was as follows:

Ayes: 3 Nays: 0
Abstain: 0 Absent: 0

Motion was passed and the following amended Road and Access Ordinance was adopted, and the Clerk was instructed to publish the Adoption Summary and file said Ordinance in the Todd Town Office files.

Date: August 12, 2013

Attest:

TODD TOWNSHIP

/s/ Pat Cadreau, Clerk

/s/ James Schauer, Chairman

A Summary Adoption of the above Ordinance was published in the Park Rapids Enterprise, located in Park Rapids, on the 8th day of August 2013.