

**CEDAR LAKE TOWNSHIP  
SCOTT COUNTY, MINNESOTA**

**ORDINANCE NO. 2004-1**

ORDINANCE REQUIRING APPLICANTS TO OBTAIN A PERMIT WHEN SEEKING A BUILDING PERMIT AND/OR SEEKING TO CONSTRUCT AN ACCESS DRIVEWAY OR ENTRANCE.

CEDAR LAKE TOWNSHIP, SCOTT COUNTY, MINNESOTA HEREBY ORDAINS:

**Section 1. Permit Required.**

- A. That all persons seeking to construct an access driveway or entrance to any Township road must apply for and obtain an access driveway or entrance permit from the Town Board prior to commencing construction. Only one driveway access or entrance to the property shall be allowed without the permission of the Town Board.
- B. Every application for an access driveway or entrance permit shall provide such information as the Town Board may require.
- C. The Town Board shall issue no driveway or entrance permits until all the requirements of this Ordinance as outlined below have been fully complied with.

**Section 2. Conditions of Permit.**

- A. No work under this Provision is to be started until the Town Board approves the access driveway or entrance permit application.
- B. The landowner shall allow such persons, as the Town Board shall designate to enter onto their property to inspect prior to the issuance of the permit, during the progress of the work and the finished work.
- C. If work is not completed within 12 months of the date of application for approval, any driveway or entrance permit, which has been granted under this ordinance, is void.
- D. The landowner shall provide and install the necessary pipe and aprons for the driveway or entrance. The pipe and aprons shall be substantially similar to the pipes and aprons (in terms of the

dimension and material composition of the pipe and aprons) of the majority of driveways along the same road and within one mile of the improvement unless another type of pipe is specifically required and/or approved by the Town Board.

- E. The landowner shall construct, install, build and gravel said driveway prior to construction of the home or any other building on the property on which the driveway is to be located.
- F. The landowner shall comply with the following requirements in the construction of the driveway:
  - 1. Driveway must be installed and have 4 inches or more of 3 inch minus crushed for a minimum of 50 feet from the Township road. Said rock to be installed before the pouring of any footings. Prior to a Certificate of Occupancy being issued an additional 4 inches of class 5 crushed rock shall be installed on said driveway.
  - 2. Minimum driveway width of 20 feet and a maximum width of 28 feet where the driveway meets the roadway.
  - 3. Aprons are recommended, but not required.
  - 4. Culverts shall be a minimum size of 15 inches new galvanized steel (26 to 30 feet minimum width) unless it is determined by the Board that a larger culvert is needed.
- G. The landowner shall furnish and place all soils needed in the construction or reconstruction of the driveway and/or entrance embankment.
- H. The landowner will surface with gravel that portion of the driveway or entrance within the road right of way.
- I. The landowner may surface that portion of the driveway within the road right of way using materials other than gravel provided the applicant has obtained the approval of the Town Board prior to the start of the work. This surfacing shall be at the landowner's expense.
- J. Where work on traveled roadway is necessary, traffic must be protected, and signing and proper barricades must be utilized.
- K. No foreign material such as dirt, etc. shall be left or deposited on the road during the construction period.

- L. The roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- M. The landowner must place stakes in exact location of the proposed driveway prior to review by Town Board, and again prior to culvert delivery.
- N. The landowner shall provide an area within residential or business lots for turning around vehicles to permit forward movements onto town roads.
- O. Side slopes shall be 4:1 [1' rise to 4' run] and made of soil. No walls of landscape timber, concrete, or rock shall be permitted in the right-of-way for reasons of safety. Special requirements shall be identified in the remarks section of the permit issued.
- P. Landowner shall construct only one driveway per parcel of land.
- Q. Landowner shall be responsible for cleaning and maintenance of the culvert. Should landowner fail to comply with this requirement, the Township may assess the cost of any maintenance to the landowner pursuant to Minnesota Statutes §429.101.
- R. If any excavation is to take place "Gopher State One Call" is to be notified at (800) 252-1166 prior to start of construction.

**Section 3. Inspection of the work, escrow amount and fees.**

- A. Every new building site shall be required to have a driveway inspection.
- B. Landowner shall provide to the Township, in cash or certified check, for deposit in an escrow fund, \$500 for any costs incurred by the Township relating to the construction of the driveway or installation of the culvert including, but not limited to, damage to any roadways as a result of the construction of the driveway and the installation of the culvert. The \$500 escrow amount shall be collected even if there is an existing driveway on the property. If additional escrow is required or bills incurred beyond the escrow amount, Landowner shall be billed directly for such costs and Landowner agrees to furnish additional monies as requested by the Township. Any amounts not utilized from this escrow fund shall be returned to the Landowner, without interest, when all improvements have been completed, all financial obligations

to the Township have been satisfied, and the Town Board has approved the final inspection.

- C. Landowner shall provide to the Township, in cash or certified check, a permit application fee of \$100 to cover the Township's inspection costs.
- D. Prior to construction of the driveway and installation of the culvert, the landowner shall meet with a township supervisor or their designate at the site.
- E. After construction is completed the landowner shall notify the township supervisor who initially inspected the driveway that the work has been completed and is ready for final inspection and approval by the Town Board.
- F. No changes or alterations in construction may be made at anytime without the written consent of the Town Board.
- G. Any unused escrow funds deposited with the Township pursuant to this ordinance shall be returned within 30 days of the approval of the final inspection.

**Section 4. Indemnification.**

- A. The landowner, his successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to release Cedar Lake Township, its officers and agents, from any and all liability and claims concerning the herein above described permit request, construction of the subject work, and the finished driveway or entrance.
- B. The landowner, his successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to hold harmless, indemnify and defend Cedar Lake Township, its officers and agents, from any and all liability and claims concerning the herein above described permit request, the construction of the subject driveway or entrance work, and the finished driveway or entrance.

**Section 5. Violation.**

- A. In the event of a violation of this ordinance, the Town Board may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations.
- B. Further, violation of this ordinance shall be grounds for the immediate revocation of the access driveway or entrance permit and/or imposition of a civil fine not to exceed \$500 at the discretion of the Town Board.

**Section 6. Separability.**

- A. It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following: If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

**Section 7. Effective date.**

- A. This ordinance shall be in full force and effect from and after its passage and publication.

Adopted by the Town Board of Cedar Lake Township, this 1<sup>st</sup>  
day of November, 2004

Wilfred A. Hagner  
Chairman

Armita Navotny  
Clerk