

**BELLEVUE TOWNSHIP
MORRISON COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2019-01

**AN ORDINANCE REQUIRING A PERMIT FOR CONSTRUCTION AND IMPROVEMENT
OF ACCESS DRIVEWAYS AND ENTRANCES**

WHEREAS, the Bellevue Town Board, as the statutory road authority, desires to maintain its public streets and roads in as safe a condition as is reasonably possible; and

WHEREAS, the Bellevue Town Board is responsible for regulating the location, design, construction, and maintenance of street and driveway connections within the Township. Incumbent with this is the obligation to ensure protection of the transportation infrastructure, economy of maintenance, preservation of proper drainage, safe and efficient movement of vehicles and pedestrians thereon; and

WHEREAS, the Bellevue Town Board has approved standards for the construction, installation, improvement and upgrade of access driveways and entrances onto Township road rights-of-way; and

WHEREAS, the Bellevue Town Board finds that the aforementioned driveway standards are designed to promote the general health, safety and welfare of its citizens.

NOW THEREFORE, the Bellevue Town Board hereby ordains it as follows:

Section 1. Permit Required.

- A. That all persons seeking to construct, upgrade or otherwise improve a new or existing access driveway or entrance to any Township road right-of-way 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, unless otherwise approved by the Bellevue Town Board.
- B. Every application for an access driveway or entrance permit shall provide such information as the Town Board may require. The Town Clerk shall supply all permit applicants with one (1) copy of the Township driveway standards at the time the application is made or as soon thereafter as reasonably possible.
- 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 Ordinance is to be started until the Town Board approves the access driveway or entrance permit application.

- B. The Permittee 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. If access is not permitted then the requested permit shall not be granted or, if the permit has been granted, the permit shall be considered void.
- 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 Permittee shall comply with the requirements in the construction of the driveway as stated in the Bellevue Township Driveway Access Policy, as amended.
- E. Where work on traveled roadway is necessary, traffic must be protected, and signing and proper barricades must be utilized.
- F. No foreign material such as dirt, etc. shall be left or deposited on the road during the construction period.
- G. The roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- H. Permittee shall be responsible for cleaning and maintenance of the culvert. Should Permittee fail to comply with this requirement, the Township may assess or certify the cost of any maintenance to the Permittee pursuant to Minnesota Statutes §§ 366.012, 429.101 or any other applicable statute.
- I. If any excavation is to take place "Gopher State One Call" is to be notified at (800) 252-1166 prior to start of construction.
- J. Driveways serving residential properties shall be no less than 24 feet in width where the driveway meets the gravel or paved surface of the road (measured at a right angle to the centerline of the road).
- K. Driveways serving properties where the primary use consists of agricultural operations, commercial operations, or industrial operations shall be no less than 40 feet in width where the driveway meets the gravel or paved surface of the road (measured at a right angle to the centerline of the road).
- L. Paved driveways on gravel roads may extend only to the edge of the existing gravel surface of the roadway and may not be extended into the traveled surface of the roadway.
- M. All driveways shall be constructed in accordance with the Township's driveway access policy.
- N. A culvert no less than 15 inches in diameter shall be required to be installed in the Township road ditch under the driveway access where a ditch is present. Larger diameter

culverts may be required where conditions warrant. All culverts shall be installed at the sole expense of the Permittee.

- O. Permittee shall maintain the culvert in good working order at all times.

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

- A. Every new or existing access driveway or entrance to any Township road shall be required to have a driveway inspection by the Township or its designated representative. All permits are subject to and conditioned upon the inspections as provided in this Section.
- B. Prior to construction of the access driveway or entrance and the installation of any culvert, the Permittee shall contact the Township Clerk to schedule an initial inspection with a Township supervisor or their designate at the site.
- C. After construction is completed the Permittee shall notify the Township supervisor or their designate that initially inspected the driveway that the work has been completed and is ready for final inspection and approval. The purpose of this inspection is to determine whether or not the access driveway or entrance conforms to the Township standards. If the access driveway or entrance conforms to the standard and all other requirements of this Ordinance, then the inspector shall issue the Permittee a Certificate of Completion. If the access driveway or entrance does not conform, then the inspector shall: (1) inform the Permittee of such nonconformance, (2) provide a reasonable time for the Permittee to come into compliance, and (3) schedule a reinspection. This process shall continue until either the access driveway or entrance conforms to the adopted standards or the inspector determines that the Permittee has refused to comply with the provisions of this Ordinance. A reinspection fee of \$25.00 shall be charged by the inspector for each reinspection due to the nonconformance with Township driveway standards.
- D. No changes or alterations in construction may be made at anytime without the written consent of the Town Board. However, routine maintenance of an existing access driveway or entrance may be performed without a permit provided that said maintenance does not significantly alter the location, size, shape or type of materials used in the driveway or entrance and provided the routine maintenance work is performed in a manner that will not adversely impact any portion of the abutting road right-of-way.
- E. Permittee shall provide to the Township, in cash or certified check, for deposit in an escrow fund, \$200 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 \$200 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, Permittee shall be billed directly for such costs. Should Permittee fail to comply with this requirement, the

Township may assess or certify the costs to the Permittee pursuant to Minnesota Statutes §§ 366.012, 429.101 or any other applicable statute.

- F. Any amounts not utilized from this escrow fund shall be returned to the Permittee, 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.
- G. Permittee shall provide to the Township, in cash or certified check, a permit application fee of \$50 to cover the Township's initial inspection and administrative costs.
- H. 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.
- I. All costs of driveway construction, including the cost of a new or replacement culvert, shall be borne by the Permittee.
- J. All driveway construction must be done consistent with the Township's driveway standards.

Section 4. Second Driveway or Entrance.

- A. The Bellevue Town Board finds that second driveway accesses substantially threaten the public safety as they create driving obstructions, drainage concerns, hinder snow removal activities and hamper other maintenance work and therefore should only be allowed in unique circumstances.
- B. Permission may be granted by the Town Board for a second driveway or entrance if, upon investigation and consultation (when needed) with the Town Engineer, it is found that construction and maintenance of such second driveway or entrance will not impair, endanger, or interfere with the public safety or Township road maintenance activities in the sole discretion of the Town Board.

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 permit violations at the discretion of the Town Board.
- B. Further, failure of any owner, occupant, lessee or contract vendee of land to comply with the terms of this Ordinance shall be a misdemeanor punishable by fine in an amount of up to \$1,000 and/or jail sentence up to 90 days.
- C. Furthermore, violation of this ordinance shall be grounds for the immediate revocation of the access driveway or entrance permit at the discretion of the Town Board.

- D. The Town Board may certify to the County Auditor for collection with the property taxes any costs the Township incurs as a result of the violation of this ordinance by a property owner or occupant of the property. Such costs shall be certified against the property that the driveway serves pursuant to Minn. Stat. § 366.012.

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.

Passed by the Bellevue Town Board this 5th day of June 2019.


Bellevue, Chairman


Bellevue, Clerk