

**WATAB TOWNSHIP
BENTON COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2 (Amended)

**AN ORDINANCE REGULATING THE CONSTRUCTION AND MAINTENANCE OF
DRIVEWAYS/CULVERTS WITHIN THE TOWNSHIP**

**THE BOARD OF SUPERVISORS OF WATAB TOWNSHIP, BENTON COUNTY,
MINNESOTA HEREBY ORDAINS:**

1. All parts of ordinances insofar as they are inconsistent with the provisions of this Ordinance are hereby repealed.
2. All construction of driveways, approaches, culverts, and other activities in public Township rights-of-way undertaken after the date of enactment of this Ordinance, must comply with the terms of this Ordinance.

SECTION 1. Authority.

This Ordinance is adopted pursuant to Minn. Stat. Chapter 462.

SECTION 2. Purpose.

The purpose of this Ordinance is to promote public safety, the general welfare of the community, and to enforce the goals and policies of Watab Township. This Ordinance applies to the construction or modification of driveways, culverts, and public accesses located within Watab Township that provide access to buildings constructed or to be constructed after the effective date of this Ordinance.

SECTION 3. Definitions.

“Driveway” is defined as a road or path giving access from a Township road, private road, or cartway to one or more dwelling units or commercial buildings located or to be constructed on adjacent lands.

“Field Approach” is defined as a path or access route from a public road to an adjacent field or pasture.

SECTION 4. Permit or Waiver Required.

- A. All persons seeking to construct any building within the Township, as defined in the Benton County Zoning Ordinance, must either apply for an access driveway/culvert permit or fill out a waiver form when making an application at Benton County.
- B. All persons seeking to construct a new driveway, new field approach, or to convert an existing field approach to a driveway must apply for and obtain an access driveway/culvert permit from the Town Board prior to commencing construction. Only one driveway access or field approach to the property shall be allowed without the permission of the Town Board.
- C. Every application for an access driveway/culvert permit shall provide such information as the Town Board may require.
- D. No access driveway/culvert permits shall be issued to persons not in compliance with the terms of this Ordinance.

SECTION 5. Conditions of Permit.

- A. No work under this Provision is to be started until the Town Board or its designee approves the access driveway or entrance permit application, and all applicable fees and escrow deposits have been received by the Township.
- B. All work performed by the applicant covered by this Ordinance shall comply with all specifications and any additional requirements of the Township Engineer.
- C. No driveway shall cross a wetland unless the wetland permit has first been obtained.
- D. No obstructions shall be constructed or planted in the Township right-of-way. Obstructions include, but are not limited to retaining structures, rip rap posts, trees, shrubs, and other such items. Mailboxes and support posts may be located within the Township right-of-way; however, the Township is not responsible for damage to mailboxes or posts during maintenance or snowplowing of the right-of-way. All mailbox supports must comply with Federal Highway Administration and Postal Service guidelines. Stone, masonry, or other non-swing-away mailbox supports are not allowed within the Township right-of-way.
- E. The applicant shall allow such persons, as the Town Board shall designate, to enter their property to inspect prior to the issuance of the permit during the progress of the work and the finished work.

- F. Unless a written extension of time has been granted by the Town Board or its designee, if work is not completed within 1 year of the date of issuance of the permit, any driveway or entrance permit which has been granted under this Ordinance is void and the permit fee and escrow deposit are forfeited. The applicant must reapply for a permit should they wish to continue with work covered under this Ordinance.
- G. If required by the Town Board or its designee, the applicant shall provide and install the necessary pipe and aprons for the driveway or entrance pursuant to the Township's specifications.
- H. A driveway must contain at least 5 inches of 1.5" clear rock for at least 50 feet from the Township road before any footings are poured for construction on the site.
- I. The applicant shall furnish and place all soils needed in the construction or reconstruction of the driveway and/or entrance embankment.
- J. A field approach must contain at least 5 inches of 1.5" clear rock to the edge of the Township right-of-way or a minimum of 25' whichever is greater.
- K. Unless otherwise agreed to by the Town Board or its designee, the applicant will surface with bituminous or concrete that portion of the driveway or entrance within the road right-of-way.
- L. Dirt or debris from driveway/access construction activities are NOT ALLOWED on Township roads and shall be removed within 24 hours of placement or within 3 hours' notice by the Town Board or its designee, whichever is earlier. If an applicant fails to comply with this section, the Town Board may remove the dirt or debris and charge the cost of clean-up against the deposited escrow money. Costs incurred by the Township to clean up the street in excess of the deposited escrow money may be assessed to the property taxes of the offending property owner pursuant to Minnesota Statutes §429.101.
- M. The roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- N. The applicant must place stakes in the exact location of the proposed driveway prior to review by Town Board or its designee, and again prior to culvert delivery.
- O. Applicant shall construct only one driveway per parcel of land without the express written permission of the Town Board
- P. The applicant shall be responsible for the cleaning and maintenance of any culvert installed under this Ordinance. Should the applicant fail to comply with this requirement,

the Township may assess the cost of any maintenance to the property taxes of the applicant pursuant to Minnesota Statutes §429.101.

- Q. If any excavation is to take place “Gopher State One Call” is to be notified at (800) 252-1166 prior to the start of construction.
- R. After construction is completed, the driveway shall remain clean and free of debris at all times. Any debris deposited on the driveway or roadway must be removed immediately.

SECTION 6. Inspection of the Work, Escrow Amount, and Fees.

- A. Prior to construction of the driveway and installation of the culvert, the applicant shall meet with the Township Engineer or their designee at the site to inspect the site, to determine the location of the driveway or field approach and to determine the scope of the work to be performed. Every new driveway or field approach shall also be required to have an inspection after the work is completed.
- B. The applicant shall establish with the Township an escrow fund for any costs incurred by the Township relating to the construction of the driveway or installation of the culvert including, but not limited to, repairing damage to any roadways as a result of the construction of the driveway and the installation of the culvert, turf establishment, and removing an unacceptable driveway. The escrow amount shall be collected even if there is an existing driveway on the property. The amount of the initial escrow shall be established by a resolution of the Town Board. If additional escrow is required or bills incur beyond the escrow amount, the applicant shall be billed directly for such costs. The applicant also agrees to furnish additional funds as requested by the Township. When all improvements have been completed, all financial obligations to the Township have been satisfied, and the Town Board has approved the final inspection, any unspent funds utilized from this escrow shall be returned to the applicant without interest.
- C. Applicant shall provide to the Township a nonrefundable permit application fee (in addition to the escrow deposit) to cover the Township’s inspection costs. The Town Board shall establish the amount of the permit application fee. However, an additional fee as determined by the Town Board, shall be required if the applicant installs the driveway prior to scheduling an inspection by the Township. This additional non-refundable permit application fee covers the Township’s additional inspection and administrative costs.
- D. After construction is completed, the applicant shall notify the Township that the work has been completed and is ready for final inspection and approval by the Town Board or its designee.
- E. No changes or alterations to the approved construction may be made at any time without the written consent of the Town Board or its designee.

- F. After final inspection, the driveway and related grading and turf establishment is found to be acceptable, any remaining balance in the escrow fund shall be refunded, without interest, at the next Township Board meeting.
- G. Unless the Township has granted a written extension of time, if the Town Clerk is not notified within 1 year of the permit being issued that the work has been completed and is ready for inspection, the permit will be deemed null and void and any escrow deposit will be forfeited to the Township.

SECTION 7. Indemnification.

- A. The applicant, his successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to release Watab Township, its officers and agents, from any and all liability and claims concerning the above-described permit request, construction of the subject work, and the finished driveway or entrance.
- B. The applicant, and the applicant's successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to hold harmless, indemnify, and defend Watab 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, and further shall be deemed to have consented to the assessment of clean-up costs as set forth in this Ordinance.
- C. The Township shall have no responsibility to repair a driveway that encroached upon a public right-of-way that is damaged during Township maintenance of the roadway.

SECTION 8. Violation.

- A. A violation of this Ordinance shall be grounds for the immediate revocation of the driveway access or entrance permit.
- B. 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. Should the Township determine to correct or abate such violations, the applicant or property owner shall be invoiced for the Township's costs not covered by the escrow deposit which shall be paid within 30 days of the date of the invoice. Should the applicant or property owner not reimburse the Township within said times, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment by assessment of the owner's property taxes pursuant to Minn. Stat. §366.012. All unused escrow funds will be returned to the applicant upon final inspection and completion of the terms of the permit.
- C. Further, each day the applicant is in violation of this Ordinance shall be deemed a misdemeanor for which the Township may bring prosecution. In the event of a successful prosecution, the prosecution costs may be added to any fines or penalties

imposed by the Court, as provided by statute. The maximum penalty shall be the same as the maximum penalty provided by Minnesota law for misdemeanor violations.

SECTION 9. Separability.

It is hereby declared to be the intention that the 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 judgement shall not affect any other provisions of this Ordinance not specifically included in said judgment.

SECTION 10. Effective Date.

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

ADOPTED by the Watab Township Board of Supervisors this ____ day of _____ 2025.

Jesse Arndt, Chairperson

Attest:

Kathy Sauer, Clerk