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4/14/03
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OGEMA TOWNSHIP ROAD ORDINANCE

The Board of Supervisors of the Town of Ogema hereby ordains:

Sec. 1. PURPOSE

The Board finds that the unrestricted and unregulated use and maintenance of existing roads, and the development of new town roads, results in a lack of planning, coordination, inappropriate allocation of costs, and frustrates the budgeting process of the town. It is therefore necessary, and in the best interests of the town and its residents, to regulate such use, maintenance and development.

Sec. 2. DEFINITIONS

1. CARTWAY. A cartway established under M.S. 164.08 (2), for or upon which no road or bridge funds are expended, as provided.

2. BOARD. The Townboard

3. EMERGENCY MOTOR VEHICLE. A motor vehicle operated by a fire department, a police department, an ambulance or rescue service, or by a public utility under circumstances that are necessary to the preservation of life or property or to the execution of emergency governmental functions.

4. MOTOR VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a road or highway, excepting (1) devices moved solely by human power, and (2) devices used exclusively upon stationary rails or tracks.

5. PERSON. Every natural person, firm, co-partnership, association, corporation, or others legally recognized entity.

6. RIGHT-OF-WAY. That area lying within the boundaries of a Town Road. For those Town Roads having no recorded width, the boundaries shall be the edge of those areas utilized for maintenance, including the area over which snow is cast while snowplowing.

7. SCHOOL BUS. A motor vehicle used to transport pupils to or from a school, or to or from school-related activities by the school or a school district, or by someone under an agreement with the school or school district.

8. SERVICE VEHICLE. A motor vehicle used for the towing or hauling of other motor vehicles, or which provide a specific, on-site service to a residence or businesses whose access is by way of the town road being used, such as sanitation, delivery, construction or excavation vehicles.

9. TOWN ROADS. All roads within the town which are under the jurisdiction of the Town Board, excepting cartways established under M.S. 164.08(2).

Sec. 3. APPLICATION

This ordinance shall apply to all town roads located within, or lying upon the boundaries of the town.

Sec. 4. LOCATION OF TOWN ROADS

1. GENERAL CONDITIONS. The Town Board shall oversee and coordinate the establishment of all town roads hereafter created. For each new town road, the Town Board shall consider the proposed location, the parcels to be served, the likelihood of extending the proposed road in the future, the relationship of the proposed road to existing town or other public roads, topography and soil types, and existing and projected traffic patterns.

2. NON-PLATTED ROADS. In addition to the above considerations, the Town Board may require such evidence of owner-ship, and the preparation or delivery of such documents as will assure a proper and legal conveyance to the town.

Additionally, the Town Board may require such topographic maps, soil borings, surveys, and proof of owner-ship of all parcels adjoining or otherwise served by the proposed road, as are necessary or incidental to assure a valid and sound right-of way.

3. DEVELOPER'S AGREEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF ROADS AND OTHER RIGHTS-OF-WAY.

For streets and rights-of-way included in a proposed preliminary plat, or to be established other than under the provisions of M.S. 164.07, the applicant/dedicator shall, at the time of submission of the proposed preliminary plat, or other document initiating the establishment of a town road, deliver to the Town Board a proposed Developer's Agreement, setting forth the terms, conditions, and time frame, within which the applicant/dedicator shall construct all said roads and rights-of-way, the terms and conditions of all payments for same, and, if not completed upon the recording of the document, establishing said roads and rights-of-way, the means of security afforded to the town, to assure said completion.

The Town Board may redraft, amend, revise, or modify the proposed Developer's Agreement, to assure compliance with all conditions of this section. Should the applicant/dedicator fail or refuse to execute the Developer's Agreement, and if said agreement is not unreasonable in its terms, the town shall have no obligation to approve or accept the proposal of the applicant/dedicator.

4. CARTWAYS; M.S. 164.08 Subs. 2

1. Under the provisions of the cited statute, the Board may take into consideration the provisions of this ordinance in determining whether an alternate route is appropriate and in the public's best interest.

2. The Board will not take action on any Petition submitted under this statute until the petitioner has filed with the Board a cash deposit, or letter of credit, for the total estimated damages, set by a resolution of the Board.

Sec. 6. DESIGN - TOWN ROADS

1. DESIGN. All roads shall be designed to comply with the requirements of Ex. 1 attached hereto, which are minimum standards and which may be increased to accommodate traffic and usage and the following:

- (a) 4 rod right-of-way
- (b) necessary culvert for proper drainage
- (c) adequate ditches with no more than 3 to 1 slope whenever possible
- (d) 24 foot road top with adequate crown
- (e) dead end roads must be provided with a minimum 32 foot diameter cul-de-sac
- (f) 6 inches of class 5 crushed gravel to road top
- (g) no culverts or driveway entrances within 300 feet of an intersection
- (h) regarding commercial property;
 - 1. A minimum 40 foot driveway width with culvert setback for a proper turning radius
 - 2. All designs must be approved by the Ogema Townboard

2. ROAD SURFACE AND BASE. The road surface and base shall be constructed in compliance with items listed above under design.

3. FINAL INSPECTION. Upon completion of the road, written notice shall be given the Town; the Town shall inspect it; If approved, or if defects exist, the Town shall give written notice of same.

4. ACCEPTANCE OF ROAD. Whether by a Developer's Agreement or otherwise, the owner/developer shall be solely responsible and liable for all maintenance and repair of the road for a period of one year following the final inspection of the road by the Town.

5. REIMBURSEMENT FOR EXPENSES. The owner/developer shall reimburse the Town for any and all expenses incurred by the Town in reviewing plans and inspecting a road.

Sec. 7. PARKING

1. PARKING RESTRICTED. The Board may designate by resolution restrict parking on certain town roads, or portions thereof. The resolution shall describe the road, or portion thereof, and state the restrictions that apply.
2. PARKING PROHIBITED. The Town Board may by resolution designate certain town roads, or portions thereof, within which parking shall be prohibited.
3. SIGNING. Any town road upon which parking is regulated or prohibited shall be posted in accordance with the requirements of the Minnesota Department of Transportation.

Sec. 8. WEIGHT RESTRICTIONS

1. RESOLUTION. By resolution the Town Board may designate certain town roads, or portions of such roads, with limited weight restrictions. Any such resolution shall describe the road, or portions thereof, and shall specify the restrictions or conditions for the designated area. Each such road shall be designated and posted as a 5-, 7-, or 9-ton road. The gross weight on any single wheel shall not exceed the amount of the designated weight restriction. The gross weight on any single axle shall not exceed twice that amount.

For the purpose of this ordinance, a single wheel includes two or more wheels, the centers of which are less than 48 inches apart on an axle.

2. SIGNING. Any town road subject to weight restrictions shall be posted in accordance with the requirements of MNDot.
3. EXCEPTIONS. The weight limitations contained herein shall not apply to school buses, vehicles collecting for disposal mixed municipal solid waste, authorized emergency vehicles, nor tow trucks while responding to a request for assistance, and to those vehicles making single-trip deliveries.
4. CIVIL PENALTIES. In addition to and as part of any criminal prosecution hereunder, a person or entity convicted of violating this ordinance, whether by plea or otherwise, shall pay as and for restitution to the town the sum of 5 cents per pound per axle for each axle that is overweight.
5. SPECIAL PERMITS. Any person or entity proposing to use the road restricted herein who or which would be in violation of these restrictions may apply to the town, to the Town Clerk, for a special permit to utilize said road. An application for a permit shall designate the vehicle(s) to be used, including the description and the license number of each; the loaded gross weight of each vehicle; the type of materials being transported; the calendar period over which such transportation will occur; the number of trips per day; and the place of origin and destination of each such trip. The Town Board may, at its discretion, issue a special permit, taking into consideration the need and necessity for the use of the restricted road, and impose any conditions upon such use through such permits as are reasonable to protect and preserve said road and maintain the quiet enjoyment of adjoining property owners. The Town Board may require such security as it deems appropriate to assure compliance with the conditions of the permit and to restore and/or maintain said road. The cost of a permit shall be \$35.00 which shall accompany any

application.

Sect. 9. DRIVEWAY PERMITS.

I. PERMIT REQUIRED. No person shall install, construct or create a driveway accessing an existing Town Road without first obtaining a driveway permit from the Board.

Application for a driveway permit shall be made to the Town Clerk, stating the address, or the legal description of the parcel, together with a drawing, to-scale, showing the parcel, the town road, and the location and design of the driveway. The Board may charge a permit fee for the application as is set by a Resolution of the Board, from time to time.

2. DRIVEWAY CONDITIONS. Each Driveway shall:

A. To the maximum extent possible, comply with the MNDOT sight line requirements: provided that, driveways on the same side of the road shall be not less than 300 feet apart; driveways accessing opposite sides of the road shall be across from one another; and the Board may require joint driveways serving more than one parcel to meet the requirements herein.

B. Contain, where necessary, as determined by the Board, a culvert, not less than 12 inches in diameter.

C. Within 40 feet of the centerline of the Town Road, to the maximum extent possible, be level with the traveled portion of same

D. If the Town Road is blacktopped, contain a blacktop apron not less than 3 feet in width, and 20 feet in length abutting the blacktopped road, and a separate apron of the same size for a mailbox.

E. Where ditches are required, to the maximum extent possible, contain slopes at a 3 : 1 ratio.

F. Cost of permit - \$25.00

3. ALLOCATION OF COSTS.

A. If accessing an existing town road, all costs, including a culvert, shall be the owner's responsibility.

B. For a new, or relocated town road, the costs shall be the responsibility of each owner; one approach to each parcel served. Additional approaches shall be the responsibility of the owner.

Sec. 10. USES OF RIGHT-OF-WAY BY PUBLIC AND PRIVATE UTILITIES.

Any public or private utility intending to make use of any town road right-of-way shall first submit a drawing, showing each road to be so utilized, and showing the

nature, design and the location, within the right-of-way, of the proposed installation.

Sec. 11. PRIVATE USES OF TOWN ROAD RIGHTS-OF-WAY.

No person shall make, cause or permit any private use of a town road right-of-way without first applying for and obtaining a permit therefor from the Board. The application shall be to scale, identify the road to be used, and describe and show in detail the use to be made, including the size and location of any structures or man-made objects used in conjunction therewith. In the event the proposed use increases or adversely impacts the liability of the Town, the permit may be denied.

Sec. 12. MAINTENANCE AND RESTORATION OF TOWN ROADS BY SPECIFIC USERS.

In any instance where any person will be making continuous use of a town road, or roads, for hauling heavy loads, the Board may require that the user enter into a contract with the Town, to contain such conditions as are deemed necessary and/or appropriate, including a security deposit, to provide maintenance, dust control, and the restoration of any deterioration thereof, resulting from such use.

For the purpose of this section, "continuous use" means more than 5 round trips per day, or 20 round trips per week; "heavy loads" means any vehicle having a gross vehicle weight of the lesser of 7 ton per axle, or 40,000 lbs.

Sec. 13. PENALTIES FOR VIOLATION.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$700 and/or jail for not more than 90 days; provided, that for any offense that is or could be of a continuing nature, the Court may condition all or any portion of the sentence upon cessation of the act, conduct or thing giving rise to the violation.

Dated April 10, 2003

BY ORDER OF THE TOWN BOARD
THE TOWN OF OGEMA

Attest:

Marilyn Myers
Clerk*

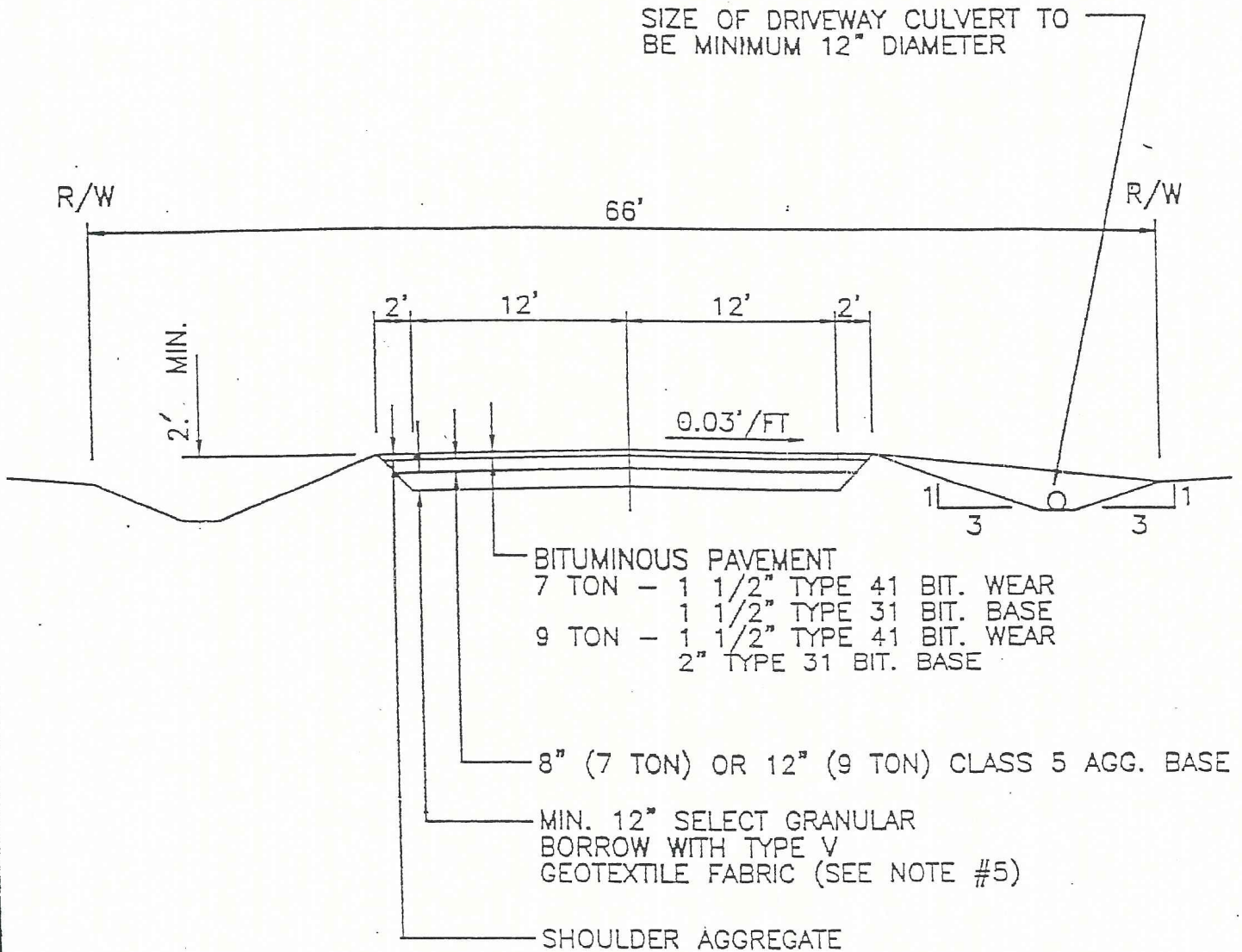
Raymond L. Thieling
Chairman

Robert Benson
Supervisor

Drafted by Marilyn Myers.

Larry Smith
Supervisor

SIZE OF DRIVEWAY CULVERT TO
BE MINIMUM 12" DIAMETER



NOTES:

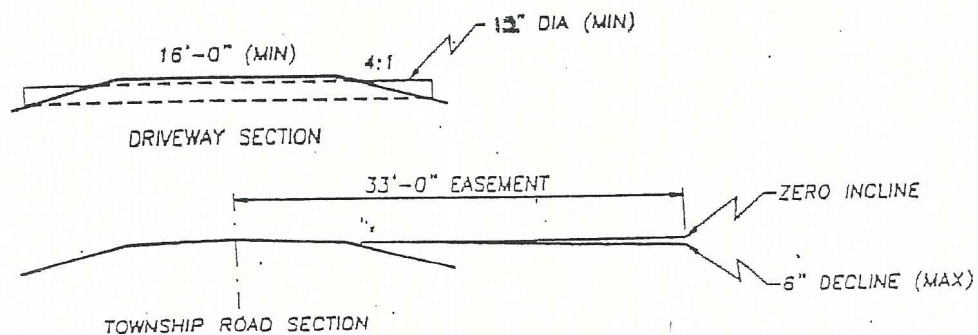
1. AT DRIVEWAYS, EXTEND SLOPE OF ROAD SECTION TO CENTER OF DITCH FOR LOW POINT OF DRIVEWAY.
2. DRIVEWAY AT RIGHT-OF-WAY SHALL BE LOWER THAN THE ROAD CENTER LINE.

OGEMA TOWNSHIP

Driveway Permit

Permit No.: _____ Fee: \$25.00
Paid by: _____
Receipt No. _____

Diagram



Culvert Required: _____ Diameter: _____
Length: _____

On township hard surface road, Driveway Owner is required to install a 2'-0" wide hard surface skirt across full width of driveway and a 2'-0" wide by 10'-0" long hard surface skirt for the mailbox.

** Any damage to existing town road prior to skirt being installed will be charged to the permit holder.*

Applicant: _____
Address: _____
Date: _____

**Please return Driveway Permit form to Robert Sunstrom, Clerk of Ogema Township at 37481 Alma Razor Road, Hinckley, MN 55037.*