

ORROCK TOWNSHIP
26401 180TH STREET NW
BIG LAKE, MN 55309
PHONE 763 263 6411
EMAIL clerk@orrocktownship.com



FOR OFFICE USE ONLY

Permit # _____
Sent to County by/date _____/_____
Initial Inspect by/date _____/_____
Final Inspect by/date _____/_____
Escrow Refund by/date _____/_____

PERMIT APPLICATION FOR ACCESS TO TOWNSHIP ROAD

Inspection Fee and Construction Escrow is payable at time of application (unless prepaid in Developer's Agreement)

Inspection and construction escrow check is to be made out to **Orrock Township** and sent to: **Orrock Township Clerk, 26401 180th St. NW, Big Lake, MN 55309**

\$250 Inspection Fee + \$3000 Construction Escrow = \$3250

Cash ___ Check # _____ Date _____ Paid by _____

If the work is not completed as outlined in the Township's Driveway Ordinance and Construction Standards, costs incurred by the Township to remove or complete the construction will be deducted from the Construction Escrow. Excessive number of inspections (more than 5) will result in the reduction of the Construction Escrow. The Permit is valid for one year from payment receipt date; it is the applicant's responsibility to extend or renew the permit if needed. The Construction Escrow shall be forfeited after one year if not extended or renewed.

PLEASE PRINT

Applicant _____ Phone _____ Email _____

Address _____

Property Owner _____ Phone _____ Email _____

Address _____

Access Address _____

Access Purpose Residential _____ Commercial _____ Number of present accesses _____

Proposed access location (Street name) _____ miles/feet N-E-S-W of
intersecting Street (Name) _____

Parcel ID # 35-_____-_____ Plat _____ Lot ____ Block _____

Date access will be installed _____

Provide a lot survey or staking certificate to show proposed access in relation to existing roads. Location of house, well and septic must be shown on the survey or certificate.

MORE THAN ONE DRIVEWAY ACCESS PER PROPERTY REQUIRES PRIOR APPROVAL OF THE TOWNSHIP BOARD AND/OR TOWNSHIP DESIGNEE; UNLESS OTHERWISE APPROVED, ACCESS FOR AN ACCESSORY BUILDING WILL BE FROM THE PRIMARY DRIVEWAY.

I (we) the undersigned, herewith make application for permission to construct the access at the above location, said access to be constructed to conform to current Township Engineering Standards. It is further agreed that no work in connection with this application will be started until the driveway permit is issued and driveway location is approved. It is expressly understood that this permit is conditioned upon replacement or restoration of the Township Road to its original condition. **Further**, I (we) the undersigned, have received a copy of Driveway Ordinance O-20160831, current Township Driveway Construction Engineering Standards and Minnesota Statute 160.2715 Particular uses of Right of Way; Subdivision 5, Misdemeanors and understand no more than one driveway is allowed for access to primary and accessory building(s) without prior authorization.

Signed: _____ Name (Print) _____

Date: _____ Address: _____

RETURN THIS SHEET WITH PAYMENT

Mark your driveway location then contact the Town's Inspector. The inspector will evaluate the need to install a culvert.

Town Inspector: Darryl 612-751-6131

Escrow funds remaining will be available for reimbursement when the driveway passes the following inspection criteria. **NOTE: Excessive number of inspections (more than 5) will result in a reduction of escrow funds.**

Permit #: _____

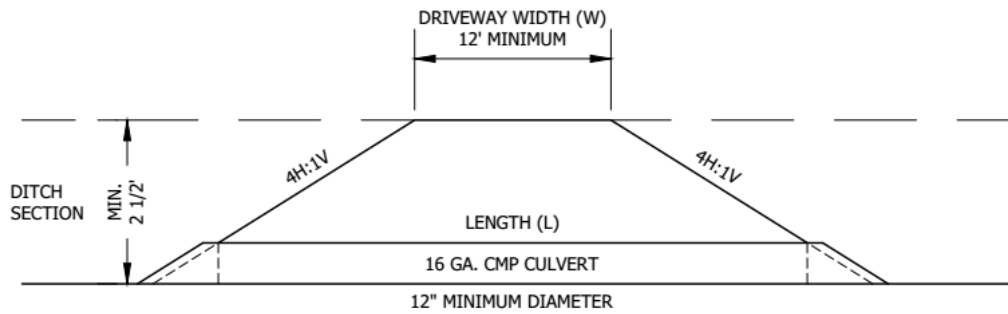
Property Address: _____

Dates Inspections Requested:

____/____/____ ____/____/____ ____/____/____ ____/____/____
____/____/____ ____/____/____ ____/____/____ ____/____/____

INSPECTION REPORT

Date of Inspection	Inspector	
____/____/____	_____	All building materials delivered
____/____/____	_____	<input type="checkbox"/> Culvert required <input type="checkbox"/> Culvert NOT required
____/____/____	_____	Culvert installed at bottom of ditch or driveway is at highpoint
____/____/____	_____	Construction entrance has been installed
____/____/____	_____	Ditch Sloping is less than a 4:1
____/____/____	_____	Soil tracking onto roadway has been cleaned
____/____/____	_____	70% of disturbed Right-of-Way (ROW) has been established
____/____/____	_____	Any damage to roadway has been repaired
____/____/____	_____	No obstructions added to ROW
____/____/____	_____	Escrow needs to be returned



NOT TO SCALE

NOTE: THE LIP OF THE CULVERT APRON SHALL BE PLACED AT THE DITCH BOTTOM. IF THE DITCH IS DEEPER THAN THE MINIMUM, THE LENGTH OF THE CULVERT SHALL BE EXTENDED TO MATCH A 4 (HORIZONTAL) : 1 (VERTICAL) SLOPE.

$$L = W + 18' + \text{APRONS}$$

$$\text{MINIMUM LENGTH} = 34' + \text{APRONS}$$



DRIVEWAY CULVERT DETAIL
ORROCK TOWNSHIP

LAST REVISION:
6/10/09

ORRK_DW Culvert

**ORROCK TOWNSHIP
SHERBURNE COUNTY
STATE OF MINNESOTA**

**ORDINANCE NO. O-20160831
AMENDED 04/25/2018**

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

ORROCK TOWNSHIP, SHERBURNE COUNTY, MINNESOTA HEREBY ORDAINS:

1. All parts of ordinances in so far 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 and the Township's police powers.

Section 2. Purpose.

The purpose of this ordinance is to promote the public safety, the general welfare of the community and to enforce the goals and policies of Orrock Township. This ordinance applies to the construction or modification of driveways, culverts and public accesses located within Orrock 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. That all persons seeking to construct any building within the Township as defined in the Sherburne County Zoning Ordinance, must either apply for an access driveway/culvert permit or fill out a waiver form, when making an application at Sherburne County.
- B. That 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 or its designee.

- 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 contained on attached Exhibit A 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-breakaway 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 onto 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 and 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 6 inches of 1 1/2" 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. Unless otherwise agreed to by the Town Board or its designee, the applicant will surface with gravel that portion of the driveway or entrance within the road right-of-way.
- K. The applicant 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 or its designee prior to the start of the work.
- L. Where work on the traveled roadway is necessary, traffic must be protected, and signing and proper barricades must be utilized pursuant to the Minnesota Manual of Uniform Traffic Control Devices.
- M. 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 to do so 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 itself 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 offending property owner pursuant to Minnesota Statutes §429.101.
- N. The roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- O. The applicant must place stakes in exact location of the proposed driveway prior to review by Town Board or its designee, and again prior to culvert delivery.
- P. Applicant shall construct only one driveway per parcel of land without the express written permission of the Town Board or its designee.
- Q. Applicant shall be responsible for cleaning and maintenance of any culvert installed under this ordinance. Should applicant fail to comply with this requirement, the Township may assess the cost of any maintenance to the applicant 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.
- S. After construction is completed, the driveway shall remain clean and free of debris at all times. Any debris deposited on the driveway or roadway shall 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. 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 incurred beyond the escrow amount, applicant shall be billed directly for such costs and applicant agrees to furnish additional monies as requested by the Township. Any amounts not utilized from this escrow fund shall be returned to the applicant, 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. 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 nonrefundable permit application fee is to cover 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 in the approved construction may be made at anytime without the written consent of the Town Board or its designee.
- F. If at the time of final inspection, the driveway and related grading and turf establishment is found to be acceptable, any remaining escrow deposit 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 one 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 Orrock 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 applicant, applicant's successors and assigns, as a condition precedent to obtaining permit approval, hereby agree to hold harmless, indemnify and defend Orrock 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 encroaches upon a public right-of-way that is damaged during the course of Township maintenance of the roadway.

Section 8. Violation.

- A. A violation of this ordinance shall be grounds for the immediate revocation of the access driveway 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 time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012. All unused escrow funds will be returned to the applicant upon completion of processing of the application in question.
- C. Further, each day of violation of this ordinance shall be deemed a misdemeanor for which the Township may bring prosecution. In the event of a successful prosecution, then the prosecution costs may be added to any fines or penalties imposed by the Court, all 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 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 10. Effective date.

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

Adopted by the Town Board of Orrock Township, this 25th day of April, 2018.

Charles Gotzian, Chair

Brenda Kimberly-Maas, Clerk

160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.

(a) Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) obstruct any highway or deposit snow or ice thereon;**
- (2) plow or perform any other detrimental operation within the road right-of-way except in the preparation of the land for planting permanent vegetative cover or as authorized under section 160.232;**
- (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway, county highway, or town road, except to erect a lane fence to the ends of a livestock pass;**
- (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or road, except as may be allowed by permit from the road authority imposing reasonable regulations as are necessary to prevent interference with the construction, maintenance, and safe use of the highway or road and its appurtenances;**
- (5) dig any holes in any highway, except to locate markers placed to identify sectional corner positions and private boundary corners;**
- (6) remove any earth, gravel, or rock from any highway;**
- (7) obstruct any ditch draining any highway or drain any noisome materials into any ditch;**
- (8) place or maintain any building or structure within the limits of any highway;**
- (9) place or maintain any advertisement within the limits of any highway, except as provided in section 160.27, subdivision 7;**
- (10) paint, print, place, or affix any advertisement or any object within the limits of any highway, except as provided in section 160.27, subdivision 7;**
- (11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;**
- (12) remove, injure, displace, or destroy right-of-way markers, or reference or witness monuments, or markers placed to preserve section or quarter-section corners;**
- (13) improperly place or fail to place warning signs and detour signs as provided by law;**
- (14) drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.**

(b) Any violation of this section is a misdemeanor.

History: 1959 c 500 art 1 s 27; 1973 c 123 art 5 s 7; 1980 c 435 s 1; 1980 c 533 s 2; 1986 c 398 art 27 s 2; 1986 c 435 s 1; 1989 c 179 s 2; 1995 c 23 s 1; 1998 c 283 s 1; 2004 c 295 art 2 s 15