

HAVEN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA
ORDINANCE NO. 2008-01

AN ORDINANCE REGULATING TOWN ROAD RIGHT-OF-WAYS

The Town Board of Haven Township hereby ordains:

FINDING: The Haven Town Board has determined that the property owners along road rights-of-way have placed large rocks, soil and other obstructions in the right-of-way. The Board finds that these obstructions create a hazard for the public driving on the roadways and cause problems in the maintenance of the roadways. The Board also finds that driveways without proper culverts can cause flooding. The Town Board finds it is in the best interest of the Township not to allow these obstructions in the Town right-of-way.

THEREFORE: The Haven Town Board adopts the following Ordinance:

1. It shall be unlawful for any person to place in any Township right-of-way any construction improvement or building, any rocks larger than three inches in diameter, soils, landscaping items, or other obstruction which interferes with proper site distances, reduces safety, causes drifting snow, weed control, slows drainage, in any manner interferes with maintenance or the public's use of the right-of-way, and other, similar problems.
2. It shall be unlawful for any person to plant trees, bushes, crops or other vegetation in the right-of-way which may obstruct the visibility of drivers or cause soil erosion.
3. It shall be unlawful for any person to disrupt the drainage of any ditch in a road right-of-way. This includes any activity which may cause a violation of NPDES and/or MS4 Permit Rules and Regulations.

4. This ordinance shall not apply to mailboxes, permitted roadway or driveway accesses to the public road, or culverts used in connection with drainage for a driveway.

- A) All driveway culverts must be approved in writing and in advance of installation by the Township Board, as set forth in the Town's policy. Generally, only metal or concrete culverts will be approved by the Town Board.

5. The Board shall notify the property owner of a violation of this ordinance, and the owner shall have a time determined by the Board of not more than 45 days to remove the obstruction from the right-of-way. The notice shall be sent to the owner of the parcel as stated in the records of the County Recorder/Registrar of Titles or County Auditor. It shall state the Town Board's requirement to remove the obstruction and provide a date by which the work must be completed. Any culvert installed without the Town Board's prior written consent, shall be considered a violation of this Ordinance.

~~6. If the property owner does not comply with the notice by the date stated in the~~
notice, or within 14 days after the notice was sent, which ever is later, the Town Board may have the work performed. The expenses incurred by the Town Board for the work shall be a lien on the real estate. The Town Board may then certify an itemized statement of the amount of expenses paid by the Town to the County Auditor. The amount shall then be a tax upon the land and will be collected in the same manner as other real estate taxes.

7. Any owner who receives a notice under this ordinance may appeal by mailing to the Town Clerk a request for appeal. The Town Board shall then set a time to hear the appeal and make a determination.

8. For purposes of this Ordinance, the property owner as stated in the office of the County Recorder/Registrar of Titles or County Auditor is responsible for the actions of all persons who reside on or temporarily visit the property owner's land and violate this Ordinance.

Adopted on 11/17, 2008

HAVEN TOWN BOARD

By Eric Meyer
Eric Meyer, Town Board Chair

ATTEST:

Michael Zniewski
Michael Zniewski, Town Clerk

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HAVEN TOWNSHIP, SHERBURNE COUNTY, MINNESOTA

On November 17, 2008, at a regular Town Board Meeting, the Haven Town Board enacted an Ordinance prohibiting obstructions on roadways and in the Town right-of-way. Under the Ordinance, it is unlawful for any person to place in the right-of-way any improvement or other obstruction that interferes with the use and maintenance of the right-of-way. This includes any activity which would disrupt the drainage of the ditch. It requires a Town permit for placing culverts in the right-of-way. The Ordinance provides that the Board may take legal action to recover the cost to remove any obstruction, or the Board may certify the cost to the property owner's real estate taxes.

A printed copy of the entire Ordinance is available for inspection by any person by contacting the Haven Town Clerk.

Dated: December 15, 2008



Michael Zniewski, Haven Town Clerk