

ORDINANCE NO. 2012-3

**HAVEN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

AN ORDINANCE REGULATING TOWN ROAD RIGHT-OF-WAY

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. Further, some Town road rights-of-way provide drainage. 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, stops or impedes drainage, or 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, dam, impede or slow the drainage of any ditch in a road right-of-way.

4. This ordinance shall not apply to mailboxes approved by Haven Township, Township permitted roadway or driveway accesses to the public road, or Township approved 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. Generally, only PVC, metal or concrete culverts will be approved by the Town Board. All drainage ways must be maintained at the current grade and flow.
- B) A Town Excavation or Obstruction Permit may be required for installation of a culvert in the Town right-of-way.

5. Upon discovery of a violation of this Ordinance, the Board may issue a correction order to the violator ordering the person to correct the violation by a time certain. If the violator fails to stop work, or otherwise comply with the correction order by the time indicated in the order, the Board may provide for the correction of the violation. Issuance of a correction order does not preclude imposition of the penalty set forth in this Ordinance.

6. If the Board determines that the violation creates an immediate threat to public safety, the Board will make a good faith effort to notify the violator to immediately correct the situation. If the Board is not able to promptly reach the violator, or if the violator fails to immediately correct the situation upon notification, the Board will provide for the correction of the violation.

7. The cost of correcting a violation shall be the responsibility of the violator. If the Board provides for the correction of the violation, all expenses incurred, including reasonable attorney's fees, shall be billed to the violator. If the bill is not paid by the due date, the Board may exercise any lawful options available to it to collect the amount due. This may include assessing all costs against a property, as allowed by law.

8. Any person who violates this Ordinance shall be guilty of a misdemeanor and subject to the penalties for such as provided in State law. Each day of existence of such violation shall constitute a separate offense. If convicted, the person may be assessed costs of prosecution as allowed by Minnesota Statutes Section 366.01, subdivision 10.

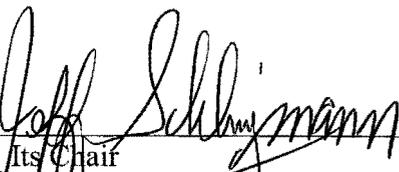
9. For purposes of this Ordinance, the property owner as stated in the office of the County Recorder/Registrar of Titles or County Auditor is responsible for the actions of all persons who reside on or temporarily visit the property owner's land and violate this Ordinance.

10. Upon adoption and completion of publication so that this Ordinance is in effect, Haven Ordinance No. 2008-01 is repealed.

Approved by the Haven Town Board on September 17, 2012.

HAVEN TOWN BOARD

By


Its Chair

ATTEST:


Town Clerk