



**ORDINANCE 2022-02
THE TOWN BOARD OF SYLVAN, CASS COUNTY, STATE OF MINNESOTA, DOES
HEREBY ORDAIN:**

DRIVEWAY AND ROAD STANDARDS ORDINANCE

SECTION ONE

AUTHORITY / PURPOSE

The Sylvan Township Board of Supervisors, pursuant to authority granted under Minnesota Statutes, Chapters 160 and 164, enacts the following rules and regulations for the purpose of protecting the health, safety and welfare of the citizens in Sylvan Township by governing and providing standards for private and public driveway entrances as they are located within the Township right-of-way and which enter onto Sylvan Township's public road system. This ordinance puts forth those road standards and designs with the public safety and welfare in mind.

The authority for this ordinance arises specifically from the Township's authority over roadways under its jurisdiction and the Township's general authority to provide for public health, safety and welfare. The Township's interest is to regulate and provide for safe access to roadways, to regulate the number of accesses allowed, and to provide appropriate standards and conditions for roads which are to be accepted as part of the Sylvan Township Transportation System. This ordinance is not intended as, nor should it be construed as, a regulation of land use.

SECTION TWO

GENERAL PROVISIONS AND CONDITIONS

2.1. General Conditions

- 2.1.1 Road acceptance will be done under the proceedings of Minnesota Statute § 164.07.
- 2.1.2. All roads, which are to be accepted and recorded as part of the Township's transportation system, will be required to have a road right-of-way width of sixty-six [66] feet. Those roads, which are presently in place at the time of the adoption of these standards, which residents desire to be accepted, will be reviewed on a case-by-case basis.
- 2.1.3. All roads accepted and recorded as part of Sylvan Township will be required to provide clear title to the road and road right of way of sixty-six [66] feet, and that pursuant to Minnesota Statute § 164.07 that said roadway shall be constructed and paved in a manner meeting current Sylvan Township Standards.
- 2.1.4. Those roads, which will become part of the Township's system, will be identified and classified as a primary, secondary or collector road. Typical drawings for construction based on the potential average daily traffic usage of the road are herein provided. [See attached example diagrams in Appendix A]
- 2.1.5. The Developer shall obtain certification, from a licensed professional engineer, that the road has been constructed to Township standards prior to acceptance by the Township. Costs incurred by the Township to obtain the necessary certification of acceptance shall be the responsibility of the Developer.
- 2.1.6. The requirements of the current edition of the MN-DOT "Standard Specifications for Construction" shall govern where directed by the Township.

SECTION THREE

ROAD CONSTRUCTION STANDARDS

3.1. Road Bed & Embankments

- 3.1.1 All new roads must intersect with the Township roads at a right angle with appropriate drainage provided. Driveway approaches will be considered on a case-by-case basis with regards to culvert installation.
- 3.1.2 Horizontal and vertical alignment shall be coordinated. Centerline grades shall not exceed ten percent (10%) slope unless extenuating circumstances dictate a steeper grade (must be approved by township), and shall not be constructed flatter than five tenths of a percent [0.5%]. Sharp curves [less than 120 degrees] shall not occur at the foot of a steep grade.
- 3.1.3 In the construction of embankments the upper two feet of the sub-grade shall be granular material with suitable materials below. Unstable materials, such as organic materials (swamp material), shall be excavated and disposed of, two feet horizontally from the edge of the shoulder. The top one-foot of the sub-grade shall be free of rocks greater than 3" in diameter and sticks greater than

1" in diameter and 6" in length. Embankments shall be constructed in layers not to exceed six inches in plastic soils or twelve inches in non-plastic soils, with mechanical compaction applied to each layer until no evidence of appreciable deflection exists under a motor grader tire while driven over the surface. Embankments constructed over wet areas shall be placed in one lift to an elevation of at least two feet above the wetland elevation before proceeding with layered construction as previously defined. The Contractor may be required to provide 3rd party density tests, as directed by the Township.

3.1.4 All residential roads shall be designed to meet a minimum seven-ton pavement standard.

3.1.5 All commercial or industrial classified roads shall be designed to meet a minimum ten-ton pavement standard.

3.2 Converting a Private Road to a Township Road

3.2.1 Two Options for private road owners:

(1) Developer interested in turning a new road over to Township

Steps:

1. The Developer must notify the township of intent.
2. The Township will determine functional classification.
3. The Township will provide the road standards to the developer
4. Developer's Engineer or Road Authority must observe construction to ensure standards are met.
5. Upon completion Developer's Engineer will certify that all Township standards have been met.
6. The Developer must provide easements for a 66 foot right of way (ROW) and turnaround easement.
7. All roads must be dedicated to the public and so stated on the plat.

Prior to acceptance by the Township 30% of the lots or a minimum of 5 homes per quarter mile of roadway must be built.

(2) Private effort to convert a private road to a Township Road.

1. Landowners must petition the Township.
2. The Township will examine the roadway to determine proper functional classification.
3. The Township Engineer or Road Authority will determine the work required to bring road to standards of the functional classification.
4. Owners will decide if they wish to meet those requirements.
5. Owners must provide easements of 66 foot right of way (ROW) and turnaround easements.
6. Owners determine how they propose to pay for improvements.

Options:

- pay privately
- Subordinate Service District (see procedural handout)

The Town Board may pass resolution to accept as a township road once the Township Engineer has certified that all requirements have been met.

3.2.2 Conversion of Private Roads to Township Roads Developers and Private Landowner:

1. Private roads that are less than one quarter mile long and/or have a home density of less than 1 home per 250 lineal feet of roadway are not eligible to be accepted by the Sylvan Town Board.

- 2. All easements must include tree removal and brushing to provide a minimum 10 foot wide beyond the shoulder and 14 foot high clear zone. Any Variance's must be approved through the Town Board.
- 3. All existing utilities must be documented.
- 4. The Township will not take over a road from a developer or private petition for a period of 2 years after construction is completed.

3.2.3 Other Considerations:

- 1. Specific details in design will be determined on a case by case basis by the Town Board or Road Authority.
- 2. All must provide adequate room for utilities

3.2.4 Roads can be taken over at the Town Boards discretion without asphalt paving. In this case the road would be placed on the long range paving plan. Order of paving would be determined based upon the priorities established each year as the 5 year plan is updated.

3.3 Functional Classifications for Sylvan Township Roads

Major Collectors	24 feet in width with 2 foot shoulders
Minor Collectors	22 feet in width with 2 foot shoulders
Local Roads	18 feet in width with 2 foot shoulders
Rustic Roads	14 – 18 feet in width with 2 foot shoulders

3.31 Definitions of Road Classifications

Major Collector

Serves several other roads that feed in traffic or serves through traffic from another jurisdiction or community.
 Serves a large capacity user such as a school, church, factory.
 Has a potential traffic load of more than 75 cars per day.
 Minimum width of 24 feet with 2 foot shoulders.

Minor Collector

Has one or more other roads with traffic flowing into it.
 Total projected inflow from other roads less than the collector itself.
 Has a width of 22 feet with a 2 foot shoulder.
 Has a potential traffic load of less than 75 cars per day.

Local Road

Is a dead end road or has no possibility to add additional roadway.
 Serves only those living on the road.
 Has a width of 18 feet with a 2 foot shoulder.
 Has a projected possible traffic load of less than 50 cars per day.

Rustic Road

Protect outstanding natural features and natural look as per the Sylvan Township Comprehensive Plan.
 Average daily traffic of less than 75 vehicles per day.
 Road must have year around use.

Speed limit of 35 miles per hour.
Adequate snow storage and storm water capacity must be accommodated in the plan.

Site lines must be adequate for a 35 mph speed.
Board resolution required to establish rustic road.
Must not be a through road carrying traffic from other neighborhoods.
Roadway should not have the potential of high density housing that would push future traffic loads beyond rustic road capacity.
Road canopy must be 14' at a minimum to provide clearance for emergency vehicles.

Minimum Maintenance Roads

Used only intermittently for commercial or passenger traffic.
May be closed during the winter season. "Minimum Maintenance Road".
The level of maintenance will be determined by the level of use.

3.4 Road Ditches & Erosion Control

3.4.1. Side ditch and embankment construction shall provide adequate roadbed drainage including installation of centerline culverts as required, with a minimum centerline culvert size of eighteen inches or larger dependent upon road classification and hydraulic need. In-slopes shall not be constructed steeper than three feet horizontally to one foot vertically [3:1], except where the Township road abuts another Township road or County road, in which case in-slopes shall not be constructed steeper than four feet horizontally to 1 foot vertically (4:1). Back slopes shall not be constructed steeper than three feet horizontally to one foot vertically [3:1], unless approved by the Township. The top of the back slope shall be blended into the natural ground line.

3.4.2: On all roadbed cut and fill areas in excess of seven feet, additional right-of-way or slope easements may need to be considered in order to construct proper slopes to prevent serious erosion.

3.4.3. All construction areas will be protected with proper drainage to prevent destruction of the actual roadbed. Three inches of topsoil and seeding shall be required to prevent erosion, using MN/DOT standard specification Seed Mix 25-151 or the attached sheet called Table 1 "Seed Mixture Selection" and Table 2 "Seeding Mixtures for Permanent Seeding" from USDA-SCS-MN technical guide. [See attach sheets in Appendix B]

3.4.4. All graded areas from road construction shall be protected from erosion using necessary Best Management Practices, such as bio-roll and silt fence, at a minimum.

3.4.5. In cases where significant cut or fill is necessary, the use of erosion control blanket may be requested by the Township to stabilize the soil.

3.5. Cul-de-Sacs

3.5.1. Cul-de-sacs shall have a terminal turn around which shall be provided at the closed end, with a minimum paved turn around radius of fifty (50) feet. Cul-de-sacs will be required to have a minimum road right-of-way radius of sixty-six (66) feet.

3.5.2. In the instances of temporary cul-de-sac, where a road is terminated pending future extension in conjunction with a future subdivision, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. The temporary cul-de-sac must be maintained and left in place until the future extension is completed.

3.3.3. All cul-de-sac construction must conform to requirements for ditching and banking as in Section 3, under Road Beds & Embankments, 3.1.3.

SECTION FOUR

4.1. DRIVEWAY STANDARDS General Terms & Conditions

The following standards shall apply when considering a driveway entrance onto an existing Township road;

- 4.1.1. A driveway shall intersect the Township road at a right angle. A residence driveway shall be a minimum of twelve feet (12 feet) wide plus radii and not more than twenty-four feet (24 feet) wide, measured at right angles to the centerline of the driveway. [See attached diagrams in Appendix C]
- 4.1.2. Non-residential driveway widths (i.e. commercial and industrial land use) shall be reviewed and approved by the Town Board on a case-by-case basis. In determining whether or not a driveway for a non-residential use should be required to conform to higher standards, the Town Board shall take into account the following factors; the traffic generated by the use, the type of vehicles using the driveway, the location of the proposed driveway access, and the hours of operation of the use. [See attached diagrams in Appendix C]
- 4.1.3. Minimum spacing between driveways at the road shoulder will be one hundred feet (100 feet), where possible.
- 4.1.4. One driveway per parcel is allowed. More than one driveway per parcel may be allowed if; the parcel frontage is greater than one thousand three hundred and twenty feet (1320 feet) or, if more accesses are needed due to fence-lines or geographical features.
- 4.1.5. Mailboxes and supports may be located within the Township road right-of-way. The Township will repair, at its expense, only those mailboxes that are properly located, and installed (swing away supports) which were damaged by actual contact with the contractor's equipment. No property located in the Township road right-of-way will be compensated for. Mailboxes must not be located in cul-de-sacs. Swing away mailbox posts are a requirement of the Township on any new driveway.
- 4.1.6. In-slopes for driveways must be built at a 4:1 ratio.
- 4.1.7. Driveways should drain away from the roadway to the flow line of the ditch.

4.2. Construction and Maintenance of Driveways

The following rules will apply to construction and maintenance of driveway entrances onto an existing Township road;

- 4.2.1. All work done within the Township road right-of way is subject to approval by Township Road Authority or the Town's duly authorized representatives.
- 4.2.2. All culverts shall be galvanized steel or dual wall plastic, a minimum of twelve inches (12 inches) in diameter, with length sufficient for the width of said driveway and flared ends.
- 4.2.3. No driveway entrance shall cross a wetland unless a wetland permit has been obtained in advance.
- 4.2.4. Proper and adequate drainage facilities shall be provided as required by the Township.
- 4.2.5. Drainage from all roads shall be directed into the Township road drainage system in such a way as to not impact the Township road surface. The Township may require the construction of a landing area as shown in Appendix C to help control erosion concerns onto Township roads.
- 4.2.6. Modifications to the present ditch system may not be done without prior approval by the Township. No obstructions shall be constructed or planted in the Township right-of-way. Obstructions include but are not limited to the following: retaining structures, posts, trees, shrubs, and other such items.
- 4.2.7. The driveway must be constructed with, at a minimum, four inches (4 inches) of class 5 aggregate or approved equal. (i.e. pavement, concrete driveway, etc.). During construction, a rock construction entrance is required to reduce mud and sand tracking onto Township pavements as shown in Appendix D. Drainage from all roads and entrances to Township roads shall be directed into the Township drainage system in such a way as to not impact the Township road surface. The Township may require the construction of a landing area as shown in Appendix C and pursuant to Section 3, under Road Beds & Embankments, 3.1.3, to help control erosion concerns onto the Township road. Driveway fill slopes shall be hand finished or seeded when completed to establish turf restoration as soon as possible.
- 4.2.8. No foreign materials (including, but not limited to, dirt, gravel, clumps of clay, mud, and sand, soil washings, building materials or bituminous material) shall be left or deposited on the Township road during construction of driveway or installation of drainage facilities. Failure to clean up such dirt and debris may result in forfeiture of the driveway construction deposit and additional charges for costs incurred by the Township.
- 4.2.9. Driveway must use culvert aprons on each end to provide safety, protect the 4:1 slope and provide easier mowing.

4.3. Permit Requirements

- 4.3.1. An application for a driveway entrance permit, along with the permit fee and construction deposit shall be delivered to the Township prior to commencement of construction of a driveway entrance onto a Sylvan Township road. The permit shall include a fee for the permit and a driveway construction deposit to assure satisfactory completion of the construction.
- 4.3.2. In the event that the construction has not been completed within six months (6 months) of the date the permit is issued, the permit will become null and void. If no construction is commenced within six (6) months, deposit shall be refunded. If construction has commenced and stopped due to weather, a six (6) month permit extension may be granted.

- 4.3.3. The driveway permit fee and construction deposit shall be set from time to time by a resolution of the Town Board.

4.4. Inspection Prior to Construction

- 4.4.1. Upon receipt of application, the driveway entrance location will be inspected to determine culvert requirements.
- 4.4.2. If the driveway location is satisfactory and no culvert is required, the approval notice will indicate said fact.
- 4.4.3. When work on a driveway approach is commenced, traffic on the Township road must be protected, and flags and/or proper barricades must be placed in accordance with the most current edition of the standards used in the Minnesota Manual on Uniform Traffic Control Devices, which is on file at the Township Hall.

4.5. Final Inspection

- 4.5.1. Upon completion of the driveway approach and/or culvert installation, including turf restoration, the approach shall receive a final inspection by the Township. Refund of the driveway construction deposit shall be made only after final inspection and approval.
- 4.5.2. The deposit shall be returned to the applicant after a satisfactory final inspection, unless otherwise set forth in this ordinance. If construction of the driveway approach does not pass final inspection, the driveway construction deposit may be used by the Township to complete the installation, or to remove an unacceptable driveway approach placement.

SECTION FIVE

ENFORCEMENT OF ORDINANCE

5.1. Town Board Enforcement

- 5.1.1. The Town Board, the Board's designee (i.e. Township Road Authority, or duly authorized representatives) shall enforce this ordinance. The duly authorized representative shall institute appropriate action for any violations of this ordinance at the direction of the Board and through the Township Attorney as deemed necessary.
- 5.1.2. Whenever the Town Board or the Board's designee (i.e. Township Road Authority, or duly authorized representatives) determines that a violation has occurred or exists on property within the township, the owner or occupant of such property shall be notified of the fact in writing. The notice shall be served in person or by certified or registered mail. If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail.

5.1.3. In the event that an improper or poorly constructed driveway access is deemed by the Township to constitute an immediate danger, the Township may initiate immediate removal of such hazard without prior notification of the owner or occupant of such property. The notice shall be served in person or by certified or registered mail. If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail. All expenses incurred by the Township to remove the hazard will be charged against said parcel and will be the responsibility of the owner.

5.2. Thirty Days Written Notice

5.2.1. A written notice shall specify the violation and the steps required to correct said violation and the time, not to exceed thirty days (30 days) within which the corrections must be completed. If the violation is not corrected, then the Township may take actions necessary to bring the violation into compliance and seek redress.

5.3. Appeals

5.3.1. A person served with a written notice may appeal to the Town Board for a hearing. A hearing notice shall be given at least ten days (10 days) prior to the date of the hearing before the Town Board and will be served in the manner as described above. In order to expedite matters, the Township may at its discretion, include notice of the aforementioned hearing in the original notice of violation.

5.4. Hearing

5.4.1. If after conducting a hearing on the matter the Town Board determines that correction of the violation is necessary to protect the public health, safety and welfare, then the Township may correct the violation, or cause the same to occur, in any manner and using any method that it finds appropriate.

5.5. Prosecution

5.5.1. Any person who violates a Section, Subdivision, paragraph, or provision of this shall be subject to prosecution. Each day of non-compliance with any terms of this ordinance shall be considered a separate violation and a separate criminal act.

SECTION SIX

PENALTIES

6.1. Penalties

Violation of this ordinance is a petty misdemeanor offense, punishable by up to the maximum amount allowed by statute, and as amended from time to time, plus costs of prosecution. Each day of continuing violation may be deemed a separate and distinct violation of the ordinance.

6.2. Types of Remedies

- 6.2.1. Civil Remedies. The Township may, at its discretion, seek any and all available civil remedies available to it at law or equity, including injunctive relief. In the event that civil remedy is pursued, the Township may seek reimbursement of any and all costs, disbursements, witness or other fees, as well as reasonable attorney’s fees expended by the Township in order to enforce this ordinance.
- 6.2.2. Other Remedies. Each right or remedy accruing to the Township under this ordinance or at law is separate and distinct and may, at the Township’s discretion, be exercised independently or simultaneously with any other right or remedy.

SECTION SEVEN

AMENDMENTS OR CHANGES

7.1. Hearing

The Board may from time to time amend this ordinance by publishing notice and conducting a hearing.

7.2. Process

Thirty calendar days (30 days) written notice shall be provided before any amendments or changes to this ordinance are adopted by the Board. Two weeks published notice in a qualified newspaper will be required prior to the hearing on the ordinance. Any party may be heard at the hearing or through written comment addressed to the Sylvan Township Board of Supervisors.

7.3. Effective Date

The proposed amendment or change to this ordinance will become effective upon adoption and publication by the Sylvan Town Board of Supervisors.

SECTION EIGHT

VALIDITY AND SEVERABILITY

The invalidity of any Section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance, which can be given effect without such invalid part or parts.

SECTION NINE

EFFECTIVE DATE

This ordinance, its rules and regulations shall take effect and be in full force immediately following its adoption and publication by the Sylvan Township Board of Supervisors. Published September 21,2022 Brainerd Dispatch.

APPROVED by the Sylvan Township Board of Supervisors this 7th day of July 2022.

By: _____
Greg Booth, Chairperson

ATTEST:
By: _____
Jenna Ruggles, Town Clerk

- Appendix A: Diagrams of road Typical based on average daily traffic usage of said road
- Appendix B: Tables One & Two. "*Seeding Mixtures for Permanent Seeding*" for road ditches and erosion control.
- Appendix C: Driveway diagrams with notes for Residential and Commercial and/or Industrial Driveways.
- Appendix D: Driveway Diagram of Rock Construction Entrance.
- Appendix E: Typical Section Showing Clear Zones both Vertical and Horizontal.