

**LONG LAKE TOWNSHIP  
CROW WING COUNTY, MINNESOTA**

**ORDINANCE NO. 01-001**

**An Ordinance Regulating Activities in the Long Lake Township Public Rights-of-Way, Including The Construction and Installation Of Driveways In The Public Ground Of The Town And Providing Penalties For The Violation Thereof**

The Town Board for the Town of Long Lake, Crow Wing County, Minnesota, hereby ordains:

**Section 1.00: Purpose and Authority.**

1. **Purpose.** The primary objectives of this Ordinance are to protect public safety, reduce interferences with public travel, protect the public's interest in its Rights-of-Way as well as roads dedicated to the public but not maintained by the Town, and to provide for the efficient and uniform administration of the Town's road Rights-of-Way. The Board finds that the regulations, requirements, and restrictions, as set forth in this Ordinance, are in the best interests of the health, safety, and welfare of the Town's citizens.
2. **Authority.** As a road authority, the Board has broad authority to regulate what occurs within the Town's road Rights-of-Way. This authority is found in Minnesota Statutes § 365.10, subd.17, a variety of sections in chapters 160, 164, 165, 222, 237, 429, and other chapters, as well as the rules associated with those chapters.

**Section 2:00. Definitions.**

For the purposes of this Ordinance, the following terms shall have the meaning given them in this section.

1. **Approach.** "Approach" means the area of the Right-of-Way between the traveled surface of the road and the adjacent property that is intended to provide access for vehicles or equipment from the road to the adjacent property.
2. **Board.** "Board" means the Town Board of Supervisors of Township, Crow Wing County, Minnesota.
3. **Facilities.** "Facilities" means any tangible assets in the Public Right-of-Way or on Public Ground required to provide utility services.
4. **Headwall.** "Headwall" means rock, concrete, masonry, metal, timber or other similar materials placed on the sides of an Approach as support, to prevent erosion, or for decorative purposes.
5. **Junk.** "Junk" means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, garbage, waste materials, rubbish, rubber debris, appliances, waste, or junked, dismantled, or wrecked automobiles, or farm or construction machinery or parts thereof, brass, iron, steel, and any other old or scrap ferrous or nonferrous material.
6. **Person.** "Person" means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political. Examples include, but are not limited to:

- a. A business, corporation, business trust, partnership or association or any other legal entity or commercial enterprise organized as any type or combination of corporation, limited liability company, partnership, limited liability partnership, proprietorship, association, cooperative, joint venture, carrier or utility, and any successor or assignee of any of them;
  - b. A social or charitable organization; and
  - c. Any type or combination of political subdivision, which includes the executive, judicial, or legislative branch of the state, a local governmental unit, or a combination of any of them.
7. **Public Ground.** "Public Ground" includes Public Right-of-Way and other land owned or otherwise controlled by the Town for park, open space or similar public purpose, which is held for use in common by the public.
  8. **Public Right-of-Way.** "Public Right-of-Way" means the area on, below, or above a public roadway, highway, street, cartway, alley, bicycle lane, and public sidewalk in which the Town has an interest, including other dedicated rights-of-way for travel purposes and roadway or utility easements of the Town. Public Right-of-Way also means any roadway, highway, street, cartway, alley or lake access dedicated to the public but not currently maintained by the Town.
  9. **Utility Service.** "Utility Service" includes (1) services provided by a public utility as defined in Minnesota Statutes, section 216B.02, subdivisions 4 and 6; (2) services of a telecommunications Right-of-Way User, including the transporting of voice or data information; (3) services provided by a cable communications system as defined in Minnesota Statutes, chapter 238; (4) natural gas or electric energy or telecommunications services provided by a local government unit; (5) services provided by a cooperative electric association organized under Minnesota Statutes, chapter 308A; and (6) water, sewer, steam, cooling, or heating services.
  10. **Right-of-Way User.** "Right-of-Way User" means: (1) a telecommunications Right-of-Way User as defined by Minnesota Statutes, section 237.162, subdivision 4; (2) a Person owning or controlling a facility in the Public Right-of-Way that is used or is intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the Public Right-of-Way ; or (3) any Person who would construct, install, repair, remove, open, disrupt or disturb any Public Ground within the Town.
  11. **Town.** "Town" means the organized government of Township, Crow Wing County, Minnesota.

**Section 3:00. Cultivation and Landscaping and Erosion Control.**

1. **Cultivation.** No Person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes, or shrubs within a Right-of-Way.
2. **Landscaping.** No Person may cultivate, plant, or maintain grasses, flowers, trees, shrubs vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage of a Right-of-Way. No Person may place watering systems, or sprinkler heads within a Right-of-Way.
3. **Erosion Control.** No landowner or permit applicant shall cause or conduct any land disturbing activity within a Town Right-of-Way which causes erosion or sedimentation or which results in damages to water or soil resources or off-site impacts. No land disturbing activity in shall cause active gully erosion or negative off-site impacts. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.

**Section 4:00. Obstructions and Junk.**

1. **Obstructions.** No Person may place, maintain, or allow any obstruction in a Right-of-Way other

than those specifically permitted by this Ordinance, by state law or rule, or by written approval of the Board. Items prohibited by this section include, but are not limited to the following; fences, posts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use or the maintenance of the Right-of-Way. No Person shall park a functioning vehicle in a Right-of-Way in such a way as to unreasonably interfere with the safe use of a road or the maintenance of the Right-of-Way.

2. **Junk.** No Person shall place or maintain Junk in a Right-of-Way.

#### **Section 5:00. Alteration of Grade.**

No Person may alter or change the depth or contour of any portion of any ditch or embankment in a Right-of-Way without written approval of the Board.

#### **Section 6:00. Unauthorized Maintenance.**

No Person may work, maintain, improve, or repair the traveled portion of a Right-of-Way without the written approval of the Board.

#### **Section 7:00. Doing Damage.**

No Person shall cause damage to a Right-of-Way without the written approval of the Board. Any Person doing damage within a Right-of-Way with approval of the Board shall return the Right-of-Way to at least the same condition it was in prior to the damage.

#### **Section 8:00. Mailboxes, Signs, and Newspaper Boxes.**

1. **Mailboxes.** Mailboxes and newspaper boxes are permitted within a Right-of-Way if they do not interfere with, obstruct, or render dangerous for passage of a road. Mailboxes placed within a Right-of-Way must comply with all of the standards in Minnesota Rules Chapter 8818. The Board may remove and replace mailboxes that do not comply with the standards as provided in Minnesota Statute, Section 169.072.
2. **Signs.** No sign of any nature may be placed or allowed to remain in any Right-of-Way except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law.

#### **Section 9:00. Approaches and Headwalls.**

1. **Approaches.** No Person may construct or reconstruct any Approach to a road without first obtaining approval by the Town. Application for an Approach permit is made to the Town Clerk. A Person shall apply for a permit or renewal of a permit a minimum of two (2) weeks before starting work and must submit a map or drawing of the existing or proposed Approach. The Road Supervisor will review the Application, consult with the applicant, and, if the Approach is appropriate, a permit may be issued. An applicant may contest a permit denial or the conditions of approval by written notice to the Clerk requesting Town Board reconsideration within thirty (30) days of the denial. The Town Board shall hear any permit denial contest within forty-five (45) days of the Clerk's receipt of the contest notice.
2. **Culverts.** A Person constructing or reconstructing an Approach may be required to install a culvert meeting the specifications set out by the Board if the Board determines a culvert is necessary for a suitable Approach to the road and to promote adequate drainage of the Right-of-Way.
3. **Costs.** A Person constructing or reconstructing an Approach to an existing road shall be

responsible for paying all of the costs related thereto, including the cost of seeking all necessary approvals and the cost of a culvert if one is required. Property owners are responsible for maintaining all Approaches and associated culverts on their property at their own cost.

- 4. Headwalls.** No Person may construct or reconstruct any Headwall in a way that interferes with the safe use or maintenance of a Right-of-Way.

#### **Section 10:00. General Provisions**

- 1. Damage to Public Facilities.** Any Person who damages or destroys public Facilities located in the right-of-way, including streets, alleys, lanes, curbs, ditches, gutters, sidewalks, trails, sanitary and/or storm sewers, water main, street lights and poles, or other publicly owned property, or causes such actions to occur, shall be liable for the costs of repair and/or replacement resulting from such damage or destruction.
- 2. Obstruction of Public Ground.** No Person shall encumber or obstruct any street, alley, lane, ditch or gutter, sidewalk, trail or other public place within the corporate limits of the Town by placing therein or thereon any building, structure, building or construction materials, rock, sand, soil, wood, or other impediment, material or substance whatsoever, or by making any excavation or opening therein, without first having obtained permission in writing from the Town to do so.
- 3. Recovery of Costs for Damage or Obstruction.** When any damage, destruction, obstruction or encumbrance of any kind occurs or is put, placed, or left in the right of way, including streets, alleys, lanes, curbs, ditches, gutters, sidewalks, trails, or other public place, the Town shall attempt to notify the Person who damaged, destroyed, put, placed, or left such obstruction or encumbrance to remove the obstruction or encumbrance or repair the damage or destruction within a specified amount of time. If such Person fails or refuses to remove such obstruction or encumbrance within the specified amount of time, the Town may have such obstruction or encumbrance removed by Township employees or contractors, in which case the Town shall make an itemized account of any expenses incurred in or by reason of such removal. The Town may recover from the Person who damaged, destroyed, put, placed, or left such obstruction or encumbrance as well as any Person who caused such actions to occur, all such expenses incurred by the Town by sending an invoice or, by Town Board order, by any other lawful means, including a civil suit. All invoices sent pursuant to this subdivision shall be paid within 30 days of mailing of such invoice. Any expenses, including reasonable attorney fees, incurred by the Town but not otherwise recovered may be recovered by special assessment of property located within the Town which is owned by the Person who damaged, destroyed, put, placed, or left such obstruction or encumbrance in the Right of Way or who authorized or caused such actions to occur.
- 4. Unloading.** Unless otherwise prohibited by the Town, a Person may unload materials from a vehicle parked in the right-of-way for a period not exceeding four (4) hours. No overnight parking is allowed. Any vehicle parked on a road-right-of-way must be in such a manner that two cars are able to safely pass that parked vehicle at the same time. Any car parked on a road dedicated to the public must provide sufficient room for another vehicle to pass.
- 5. Driveway Installation.** No Person or entity shall install or connect a driveway or an Approach to a Town road located within a Public Right-of-Way without first obtaining a Driveway permit.

#### **Section 11:00. Enforcement and Penalties.**

- 1. Enforcement.** 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 initiate appropriate action for any violations of this Ordinance at the direction of the Board and through the Township Attorney as deemed necessary.

2. **Violation Occurs.** 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.
3. **Immediate Correction.** In the event that a violation 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. As soon thereafter as practical the Township shall provide written notice to the owner or occupant of the premises of the actions taken. 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.
4. **Thirty Days Written Notice.** A written notice pursuant to this section 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. **Appeals.** 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 in Paragraph 2 of this Section. In order to expedite matters, the Township may at its discretion, include notice of the aforementioned hearing in the original notice of violation.
6. **Hearing.** 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.
7. **Types of Remedies.**
  - 7.1 **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.
  - 7.2 **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 12:00. Utilities.**

Utility companies that desire to place Facilities within the Right-of-Way shall contact the Town Clerk. The Utility and the Town Board shall enter into a reasonable agreement for the installation and maintenance of facilities in the Right-Of-Way.

**Section 13:00. Validity and Severability.**

Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**Section 14:00. Savings Clause.**

The failure of the Board to exercise, and any delay in exercising, any right under this Ordinance, including enforcement, shall not operate as a waiver thereof and shall not constitute a waiver of the Town's interest, however created, in any Right-of-Way, easement, or any other type of property interest.

**Section 15:00. Effective Date.**

This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of Long Lake, this 16th day of May, 2024.

**APPROVED:**

**LONG LAKE TOWNSHIP**

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Chairman

**ATTEST:**

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\_\_\_\_\_, Clerk