

the notice, the Township electrical inspector shall have the authority to disconnect or order the discontinuance of electric service to such electrical equipment. The Township electrical inspector shall have the authority to immediately disconnect any electrical equipment in cases of emergency, when necessary to protect the safety of persons or property, or when the electrical equipment interferes with the work of the fire department.

- (8) For the purposes of this section, the term “electrical equipment” shall mean electrical conductors, fittings, devices, and fixtures.

13.3. On-Site Waste Disposal Permits.

- (1) No building permit for any use requiring on-site waste treatment and disposal shall be issued until an on-site waste disposal permit has been issued by the Washington County Department of Health or the entity designated by the Township to oversee on-site septic systems.
- (2) An on-site waste disposal permit shall be issued only after the applicant furnishes proof that a suitable on-site waste treatment and disposal system can be installed on the site. Such system shall conform to all of the requirements of Washington County Subsurface Sewage Treatment System Regulations, including percolation tests and borings or the Township’s on-site septic system treatment and disposal regulations.

13.4. Driveway Access Permits. The construction or reconstruction of a driveway access onto County roads shall require a driveway access permit from the Washington County Department of Public Works, which must be obtained prior to the issuance of any building permits by the Township. The County Engineer shall determine the appropriate location, size and design of such driveway accesses and may limit the number of driveway accesses in the interest of public safety and efficient traffic flow. The construction or reconstruction of a driveway access onto a town road shall require a driveway access permit from the Township, which must be obtained prior to the issuance of a building permit from the Township. All driveway accesses constructed or reconstructed within a town road right-of-way shall comply with the standards and requirements in this Section and comply with all other applicable laws, rules, regulations and ordinances:

- (1) Authority and Scope: Pursuant to Minnesota Statutes, sections 160.18 and 160.2715, a permit is required from the road authority before constructing an approach to a public right-of-way and constructing a driveway headwall. The Township requires an owner to apply for and obtain a driveway access permit from the Township before constructing a new driveway access, or reconstructing an existing driveway access, that provides access to or from a town road. A driveway access permit is required regardless of the intended use of the driveway including, but not limited to, driveway accesses used for agricultural purposes. The owner shall pay the applicable application fee, reimburse the Township for costs of an engineering review if required, and is responsible for all costs associated with constructing the driveway access and obtaining and installing a culvert, or other drainage structures, as may be required. For the purposes of this Section, the reconstruction of a driveway access requiring a driveway access permit includes any alteration that increases or decreases the vertical profile or width of the driveway access, any alteration to drainage by raising, lowering, changing the diameter, removing, or blocking an existing culvert, or a change in the use of the land that results in a significant change in the use of the driveway

access such as if the land is converted from a residential to commercial use. The restrictions contained in this Section that may occur within a town road right-of-way are in addition to the prohibitions contained in Minnesota Statutes, sections 160.2715; 609.74; and such other law as may apply.

- (2) Application Procedures: A request for a driveway access permit to access a town road must be on the application form approved by the Township and submitted with the required permit fee in accordance with the following:
- (a) The applicant shall provide all information required in the application form including, but not limited to, whether the driveway access is intended for primarily a residential, commercial, or industrial use, a sketch of the driveway access showing its proposed location, width, and describing any proposed culverts or other drainage structures. The application shall be submitted to the entity designated by the Township to process such applications and issue driveway access permits on its behalf.
 - (b) The applicant shall place stakes at each end and at each corner of the desired access showing its proposed location and width.
 - (c) An inspection will be conducted of the proposed driveway access. If the inspector determines that review by the Township's engineer is required, the applicant shall be required to reimburse the Township the actual costs it incurs related to the engineer's review. The requirement to reimburse the Township for its costs for the engineer's review is a condition of issuing the permit and failure to fully reimburse the Township is a violation of the permit and of this Ordinance. Any specific requirements, conditions, or restrictions identified by the engineer during the review shall be incorporated in and made part of the driveway access permit.
 - (d) No work on the driveway access shall occur until the driveway access permit has been issued. The driveway access and associated drainage structures must be constructed in accordance with the standards contained within this Section and any specific requirements, conditions, or restrictions set out in the permit and in the engineer's report (if issued). The engineer's report is automatically incorporated in and made part of the driveway access permit issued by the Township.
 - (e) A change, or proposed change, in use of a property that results in a significant increase in the use, or intensity of the use, of an existing driveway access requires a new driveway access permit from the Township. The permit may require reconstruction of the driveway access in order to adequately accommodate the increased use. If the proposed change in use of the property requires an interim use permit or a conditional use permit from the Township, a separate driveway access permit is not required if the permit issued by the Township for the use addresses any required reconstruction of the driveway access and indicates a separate driveway access permit is not required.

(3) **Standards:** The construction or modification of a driveway access shall comply with the following standards as well as any specific requirements imposed on the permit issued for the driveway access. For the purposes of these standards, “urban” refers to situations in which the driveway access is connecting to a section of town road constructed with a curb and gutter, and “rural” refers to all other town road sections. Rural road sections typically have a ditch and require installation of a culvert, while urban road sections typically do not.

(a) **Width Requirements.** The driveway access shall comply with the following minimum and maximum widths based on whether the property being served is used primarily for residential or commercial (including industrial) purposes. The permitted width of a driveway access shall be established in the permit issued for the driveway access. The driveway access must be able to reasonably accommodate the type of vehicles anticipated to use the particular driveway access based on the primary use of the property. The entire portion of the driveway access within the right-of-way shall comply with the width standards, except that the driveway access may be flared as it approaches the surface of the road. The total width of the flared portion shall not exceed the permitted width of the driveway access by more than five feet and the flare shall be limited to the area within five feet from the edge of the surface of the road.

	Residential	Commercial
Minimum Width	12 feet	24 feet
Recommended Width	20 feet	32 feet
Maximum Width	24 feet	50 feet

(b) **Vertical Clearance.** The area above the driveway access shall be clear of tree branches and other obstructions in order to achieve a vertical clearance of at least 14 feet and such vertical clearance shall be maintained in order to allow access by emergency vehicles.

(c) **Setbacks.** No driveway access shall be placed within any of the following setback distances. Additional corner clearance may be required in the sole discretion of the Township based on the presence of a bus stop, turning lane(s), a skew or complex intersection, atypically wide intersection, heavily traveled roadways or other conditions that reasonably require a further setback distance. The setback from an intersection shall be measured from the closest edge of the intersection right-of-way.

Setback From:	Rural Residential	Urban Residential	Rural Commercial	Urban Commercial

Another Driveway access	30 feet	20 feet	30 feet	20 feet
Right-of-Way Intersection	60 feet	30 feet	30 feet	60 feet
Side Lot Line*	20 feet	20 feet	20 feet	20 feet

* Common or shared driveway accesses are exempt from this setback requirement.

- (d) Driveway access Angle. All driveway accesses shall enter the right-of-way and connect to the surface of the road at 90 degree angles. The driveway access angle is measured as the angle between the driveway centerline and the edge of the surface of the road.
- (e) Driveway Access Profile. The constructed profile of the driveway access shall be such that it facilitates drainage and shall not exceed an 8% gradient for a driveway accesses used primarily for commercial purposes and a 10% gradient for all other driveway accesses.
- (f) Driveway Headwalls. The sides of a driveway access used to support its surface, which are also referred to as headwalls, must be constructed in a manner so as not to create an unreasonable hazard for recreational vehicles and vehicles that may leave the travelled surface of the road. Furthermore, placing rocks, fences, pillars, posts, and other materials or structures that extend above the level of the driveway access can also pose a safety hazard and interfere with maintenance of the right-of-way. In order to avoid or reduce such hazards and interferences, a driveway headwall erected or reconstructed within the right-of-way of a town road shall have a slope of no greater than 4 to 1 (horizontal to vertical). No materials or structures shall be placed on or along a driveway access that interfere with the maintenance of the right-of-way or that extend more than one foot above the surface of the access drive. This prohibition does not apply to mailboxes and newspaper boxes provided, however, that any mailbox placed or replaced within a town road right-of-way shall comply with the standards in Minnesota Rules, Chapter 8818 regardless of the speed limit on the road.
- (g) Drainage. Drainage along the road shall be maintained at all times. No driveway access shall be constructed, expanded, altered, or maintained such that it interferes with the drainage of water within a ditch or along a curb and gutter. A culvert shall be required for a driveway approach constructed to a rural section of road unless the permit issued for the particular driveway approach indicates a culvert is not required. A culvert shall not be required for a driveway approach constructed to an urban section of road unless the permit issued for the particular driveway approach indicates a culvert is required. A permit issued for a driveway access may impose specific requirements for the installation of a culvert or other drainage structure to

properly accommodate drainage. A culvert installed within a driveway access shall, at a minimum, have a size of 15 inches in diameter, be a corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), be at least 20 feet in length, and shall extend at least 2 feet beyond the edges of the driveway. Culvert aprons made of the same or similar material as the culvert shall be installed on each end of the culvert.

- (h) Maintenance of Drainage Structures. The owner or occupant of land is responsible for maintaining the drainage structures installed in or associated with a driveway access including, but not limited to, keeping culverts free of dirt and debris, repairing, and replacing drainage structures as needed so as not to not interfere with or obstruct the drainage of water along the right-of-way. If an owner or occupant fails to maintain, clean, repair, or replace a culvert or other drainage structure as needed to avoid obstructing drainage, the Township may undertake such work as may be needed and the owner of the property shall be responsible for fully reimbursing the Township for its costs.
- (4) Multiple Driveway Accesses: No more than two driveway accesses to a lot shall be permitted, except upon approval of the Town Board. A request for an additional driveway approach shall not be approved unless the owner demonstrates, to the Town Board's satisfaction, a specific need for an additional driveway access and that additional driveway approach can be placed and constructed in such a way as to not unreasonably interfere with the safe use or maintenance of the right-of-way.
- (5) Unsafe Driveway Accesses: Any driveway access within a Township road right-of-way that creates a safety hazard for the traveling public, or unreasonably interferes with the use, maintenance, or drainage of the road, is hereby declared a public nuisance and is prohibited. The Township may issue one or more written orders requiring the owner or occupant of the property, or both, to take such actions as the Township determines are needed to eliminate or otherwise correct the nuisance condition. If the owner or occupant fails to promptly correct the condition as directed, or if the condition creates an eminent safety hazard requiring immediate action, the Township may take action to eliminate the nuisance condition. The owner shall be required to fully reimburse the Township for all costs it incurs to correct the condition.
- (6) Surfacing: Driveway accesses constructed or reconstructed to provide access from a town road with a bituminous surface to property used primarily for a commercial purpose shall be hard surfaced with bituminous or concrete. Farming is not considered a commercial use for the purposes of this requirement. A driveway approach with a slope of 10% or greater shall be hard surfaced to prevent erosion of materials onto the road surface and to ensure proper maintenance of the right-of-way. The hard surfacing shall extend from the driveway approach within the right-of-way onto the driveway within the private property as needed to prevent eroded materials from running into the right-of-way.
- (7) Construction: The construction or reconstruction of a driveway access must not interfere with the maintenance or safe use of the town road. No materials shall be dumped or