

**Ford Township**  
**Kanabec County, Minnesota**  
**Ordinance #2009-07-01**

**An Ordinance Regulating**  
**Public Road Right-of-Way**

The Board of Supervisors of the Town of Ford ordains:

**Chapter 400 Definitions.**

For the purposes of this ordinance, the following items shall have the meaning given them in this section.

1. “Private Approach.” The area of the Public Road Right-of-Way between the traveled surface of the Public Road and the adjacent Lot and/or Parcel that is intended to provide access for vehicles or equipment from the Public Road to the adjacent Lot and/or Parcel.
2. “Headwall.” Rock, concrete, masonry, metal, timber or other similar materials placed on the sides of a Residential Driveway or Commercial Driveway as support, to prevent erosion or for decorative purposes.
3. “Junk.” 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, iron steel, and other old or scrap ferrous or nonferrous material.
4. “Public Road Right-of-Way.” All that real property for which the Town maintains a property interest whether by fee title, easement, prescriptive easement, road order or eminent domain that is adjacent to and benefits a Public Road.
5. “Tree.” A tree or woody perennial shrub or vine which is at least six inches in diameter, as measured at a point two feet from the ground.

**Chapter 400. Public Road Right-of-Way Standards.**

400.1 Purpose and Authority.

- a) The primary objective of this Chapter is to protect public safety, reduce interference with public travel, protect the public’s interest in its Public Road Rights-of-Way, and to provide for the efficient and uniform administration of the Town’s Public Road Rights-of-Way. The Board finds that the regulations, requirements, and restrictions,

as set forth in this Chapter, are in the best interests of the health, safety, and welfare of the public.

- b) As a road authority, the Board has broad authority to regulate what occurs within the Town's Public Road Rights-of-Way. This authority is found in Minnesota Statutes §365.10, subd. 17 as amended from time to time as well as contained in Minnesota Statutes Chapters 160, 164, 165, 169, 222, 237, and other chapters, as well as the rules associated with those chapters.

#### 400.2 Cultivation and Landscaping.

- a) Cultivation. Except for harvesting hay that is located within the Public Road Right-of-Way, no Person may cultivate, plant, harvest, or maintain agricultural crops, Trees, bushes, or shrubs within a Public Road Right-of-Way.
- b) Landscaping. No Person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility or drainage of a Public Road or Public Road Right-of-Way or otherwise interferes with, obstructs, or renders a Public Road Right-of-Way dangerous for passage. No Person may place watering systems or sprinkler heads within a Public Road Right-of-Way.

#### 400.3 Obstructions and Junk.

- a) Obstructions. No Person may place, maintain or cause any obstruction in a Public Road Right-of-Way other than those specifically permitted by this Ordinance, by state law or rule, or by written approval of the Town Board. Items prohibited by this section include, but are not limited to, fallen Trees or brush, Fences, posts, Buildings, piled materials, hay bales, vehicles, Trailers, Campers, equipment, or any other items that interfere with the safe use or the maintenance of the Public Road Right-of-Way. No Person shall park a functioning vehicle in a Public Road Right-of-Way in such a way as to unreasonably interfere with the safe use of a Public Road or the maintenance of the Public Road Right-of-Way.
- b) Junk. No Person shall place or maintain any Junk in a Public Road Right-of-Way.

#### 400.4 Alteration of Grade.

- a) No Person may alter or change the depth or contour of any portion of any ditch or embankment, including any alteration to the drainage, in

a Public Road Right-of-Way without the written approval of the Town Board or as otherwise provided by this Ordinance.

- b) The Town Board may require any Person obtaining the approval of the Town Board, as provided in Section 400.4(a) above, to escrow funds for purposes of reimbursing the Town for any damage or failure to properly restore the Public Road Right-of-Way to its original condition or complete the alterations pursuant to the approved plans.
- c) Any Person making any alterations to the Public Right-of-Way without the Town Board's approval as provided by this Section, shall reimburse the Town for any and all costs and fees incurred by the Town, to include, but not be limited to any contractor fees, labor costs, material costs, Zoning Administrator fees, engineering costs, attorneys fees, Special Meeting costs or any other fee or cost that may be incurred by the Town arising out of or otherwise relating to any unapproved alterations.

400.5 Unauthorized Maintenance. No Person may work, maintain, snowplow or repair the traveled portion of a Public Road Right-of-Way without the written approval of the Town Board or as otherwise provided by this Ordinance.

400.6 Damage to Public Road Right-of-Way. Any Person causing any damage to the Public Road Right-of-Way whatsoever shall be responsible to reimburse the Town for any and all costs and/or fees incurred to restore the Public Road Right-of-Way to its original condition, to include, but not limited to any contractor fees, labor costs, material costs, Zoning Administrator fees, engineering costs, attorneys fees, Special Meeting costs or any other fee or cost that may be incurred by the Town.

400.7 Mailboxes, Newspaper Boxes and Signs.

- a) Mailboxes and Newspaper Boxes. Mailboxes and newspaper boxes are permitted within a Public Road Right-of-Way if they do not interfere with, obstruct or render a Public Road dangerous for passage. Mailboxes placed within a Public Road Right-of-Way must comply with all of the standards in Minnesota Rules Chapter 8818 as amended from time to time. The Town may remove and replace mailboxes that do not comply with the standards as provided in Minnesota Statute §169.072, as amended from time to time, and charge to the relevant owner or resident the full amount allowed pursuant to Minnesota Statute §169.072 as amended from time to time.

- b) Signs. No Sign of any nature that obstructs or interferes with the Public Right-of-Way may be placed or allowed to remain in any Public Right-of-Way except an official Sign placed by a governmental authority, or other Signage expressly permitted by state law or as permitted by this Ordinance.

400.8 Residential Driveway, Commercial Driveway, Headwalls and Costs.

- a) Residential Driveways. Residential Driveways and Culverts shall be constructed in accordance with Chapter 305 of this Ordinance as amended from time to time.
- b) Commercial Driveways. Commercial Driveways and Culverts shall be constructed in accordance with Chapter 306 of this Ordinance as amended from time to time.
- c) Headwalls. No Person may construct or reconstruct any Headwall in a Public Road Right-of-Way.
- d) Costs. Any Person constructing or reconstructing a Private Driveway, Commercial Driveway and/or Culvert within the Public Road Right-of-Way shall be responsible for paying all of the costs related thereto, including the cost of seeking all necessary approvals and inspections. The Owner of any and Lot and/or Parcel shall be responsible for maintaining all Residential Driveways, Commercial Driveways and Culverts located within Public Road Right-of-Way that is associated with said Owners Lot and/or Parcel.

400.9 Essential Services. A Person may submit an application pursuant to the requirements and procedures of Chapter 750 of this Ordinance to place and/or construct Essential Services within the Public Road Right-of-Way provided all requirements of this Chapter are fully complied with. The Town Board may enact a filing fee for the placement or construction of Essential Services that is different and distinct from those fees related to a Site Permit.

400.10 Brushing and Tree Removal.

- a) The Town hereby has the authority to remove, trim and/or cut any Tree, brush and/or Hedge located within the Public Road Right-of-Way pursuant to the provisions of Minnesota Statute §160.22 as amended from time to time.
- b) Pursuant to Minn. Stat. §160.22, the Town hereby grants authority to the Owner of any Lot and/or Parcel adjacent to a Public Road Right-of-Way the ability to remove any brush and/or Trees within said

Public Road Right-of-Way that are immediately adjacent to said Owner's Lot and/or Parcel. Any Owner removing any brush and/or Trees in accordance with this provision shall, in addition to complying with all the requirements and provisions of this Chapter, comply specifically with the requirements and provisions of Section 400.3 of this Chapter and shall further fully indemnify and hold the Town harmless from any liability for damages whatsoever to the Owner or any third Person incurred in removing said brush and/or Trees in accordance with this provision, including reimbursement to the Town of any attorneys fees incurred.

#### 400.11 Snow and Ice Control.

- a) Depositing Snow in Public Road Right-of-Way. No Person shall deposit snow or ice in a Public Road Right-of-Way.
- b) Damage to Personal Property. Mailboxes and Fences damaged by any equipment under the control of the Town during snow removal process shall be evaluated by the Town Board on a case by case basis. Only damage to mailboxes and Fences properly located and installed in accordance with this Ordinance and caused by actual contact with equipment under control of the Town may be repaired by the Town.

#### 400.12 Limitation of Permission and Non-Application of Chapter.

- a) Limitation of Permission. Any Person that receives written permission pursuant to the provisions of this Chapter shall comply with all applicable federal, state and local laws and rules as well as all applicable Town Ordinances, resolutions, specifications, regulations, and policies. Any Person receiving written permission shall comply with all conditions, requirements and limitations the Town Board expresses as part of the permission. Failure to comply with any of the conditions, requirements or limitations as provided in this Section shall void the written permission and may result in a violation of the provisions of this Ordinance.
- b) Non-Application of Chapter to Town Employees and Agents. The prohibitions, requirements and restrictions contained in this Chapter do not apply to the Town, its officers, employees, or agents while operating within the course and scope of their duties for the Town or to contractors while performing services within the scope of their contract with the Town.

#### 400.13 Enforcement.

- a) Cost of Correction. Any Person violating any provision of this Chapter shall reimburse the Town for any and all costs and fees incurred by the Town, to include, but not be limited to any contractor fees, labor costs, material costs, Zoning Administrator fees, engineering costs, attorneys fees, Special Meeting costs or any other fee or cost that may be incurred by the Town to remedy the violation as provided in this Chapter.
- b) Penalty. Any Person who violates this Chapter shall be guilty of a misdemeanor and subject to the full extent of the penalties provided under Minnesota 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 §366.01, subdivision 10, as amended from time to time.

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

400.15 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.