

ACCESS MANAGEMENT and RIGHT OF WAY ORDINANCE
CASCADE TOWNSHIP
OLMSTED COUNTY, MINNESOTA

ADOPTED BY CASCADE TOWN BOARD
RESOLUTION No. 2021-11

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SECTION 1: GENERAL PROVISIONS

1.01. Title

This ordinance shall be known as “Cascade Township Access and Right of Way Management Ordinance,” referred to herein as “this Ordinance.”

1.02. Intent and 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, 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. These regulations further the orderly layout and use of land and can serve to protect community character and natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

1.03. Findings, Purpose and Intent

To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the Town strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the Town hereby enacts this new chapter of this code relating to right-of-way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

These regulations further the orderly layout and use of land and can serve to protect community character and natural resources by promoting well-designed road and access systems and encourage the planned subdivision of land.

1.04. Statutory Authorization

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 Minn. Stat. § 365.10, subd. 17, a variety of sections in chapters 160, 164, 165, 169, 222, 237, and other chapters, as well as the rules associated with those chapters.

As a road authority, the Board has broad authority to regulate what occurs with the Town's Road rights-of-way. This chapter shall be interpreted consistently with Minnesota Statutes, sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the town and users of the right-of-way. This chapter shall also be interpreted

consistent with Minn. R. 7819.0050–7819.9950 and Minn. R., ch. 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the Town to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

1.05. Scope

The provisions of this ordinance shall apply to the location and design of public or private streets and driveway access to the Township Road system. Access legally established as of the effective date of this ordinance but not in conformance with standards in this ordinance are considered non-conforming and may continue in existence subject to the regulations in this ordinance regulating non-conforming access.

1.06. Interpretation

The provisions of this Ordinance shall be interpreted to be the minimum requirements necessary to promote and protect the public health, safety and general welfare.

1.07. Relationship of this Ordinance to Zoning, Subdivision and Other Township Regulations

This Ordinance is intended to supplement the zoning, subdivision and building permit requirements of Cascade Township that govern the use and development of property along Township Roads, County Roads, or County State-Aid Highways. If there is a conflict between any provision of this Ordinance and any provision of the Cascade Township Zoning or Subdivision Ordinance or building regulations, the more restrictive provision shall apply. The Olmsted County Access Management Ordinance regulates access along County or County State Aid Highways. The MN Department of Transportation regulates access onto state and federal highways.

1.08. Violations: Enforcement and Penalty

An access connection to a Township Road constructed or established after the effective date of this Ordinance without an approved access permit or in violation of an approved access permit shall be considered illegal. The Town Board of Supervisors may order discontinuance of its use and may order its removal. The party responsible for installing an illegal access shall be responsible for all costs, including any borne by Cascade Township, associated with closure of the access, the removal of the access connection and restoration of the ditch or boulevard area to its previous condition.

- A. Correction Order. 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 certain time. If the violator fails to 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.

- B. Immediate Correction. 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.
- C. Cost of Correction. 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.
- D. Penalty. 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 and may be punished to the maximum extent allowed by law. Where an owner or developer who established an access connection without an access permit wishes to subsequently apply for permit approval, the application fee for the permit shall be at twice the cost normally associated with an access permit.

1.09. Amendments

The Cascade Town Board may amend, supplement or repeal provisions of this ordinance after a public hearing meeting statutory requirements has been held.

1.10. Validity

Should any section, subdivision, or provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

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.

1.11. Effective Date

This Ordinance shall be in full force and effect after its approval and publication as provided by law.

1.12. Responsibility for Administration

The Town Board of Supervisors or their designee shall administer and enforce the provisions of this Ordinance.

SECTION 2: DEFINITIONS

For the purpose of this Ordinance, certain words have specific meaning as defined in this section. Other words not defined herein shall have the meaning customarily associated with them, except where certain words have a specific meaning when referring to access under Minnesota State Statutes.

Abandoned Facility: a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, which is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

Access: a means of providing vehicular entrance or exit to a property from an abutting property or public road.

Access connection: any field entrance, driveway, public or private street or road that provides reasonable access (*see definition of Reasonable Access*) for the movement of vehicles between the town road system and an abutting property either directly or indirectly through an Alternate Means of Access.

Access Permit: a permit issued by the Town Board of Supervisors or his/her designee(s) authorizing construction of an access connection within a town Right-of-Way.

Access Plan: a plan approved by the Town Board of Supervisors upon recommendation of the County Highway Engineer establishing a coordinated plan for future access connections to a County State Aid Highway, County Road or Township Road as part of the approval of a subdivision plat or general development plan.

Alternate Means of Access: a shared access, front or rear service road or connected parking lot providing a means of access to the Township Road system through an access connection shared between multiple parcels.

Applicant or Developer: the owner of land or his approved representative.

Applicant: any person requesting permission to excavate, obstruct, or otherwise place facilities in a right-of-way.

Approach: 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.

Board: The Town Board of Supervisors of Cascade Township, Olmsted County, Minnesota.

Commercial Access: a private access serving one or more commercial, industrial, institutional or multiple family uses or an agricultural feedlot.

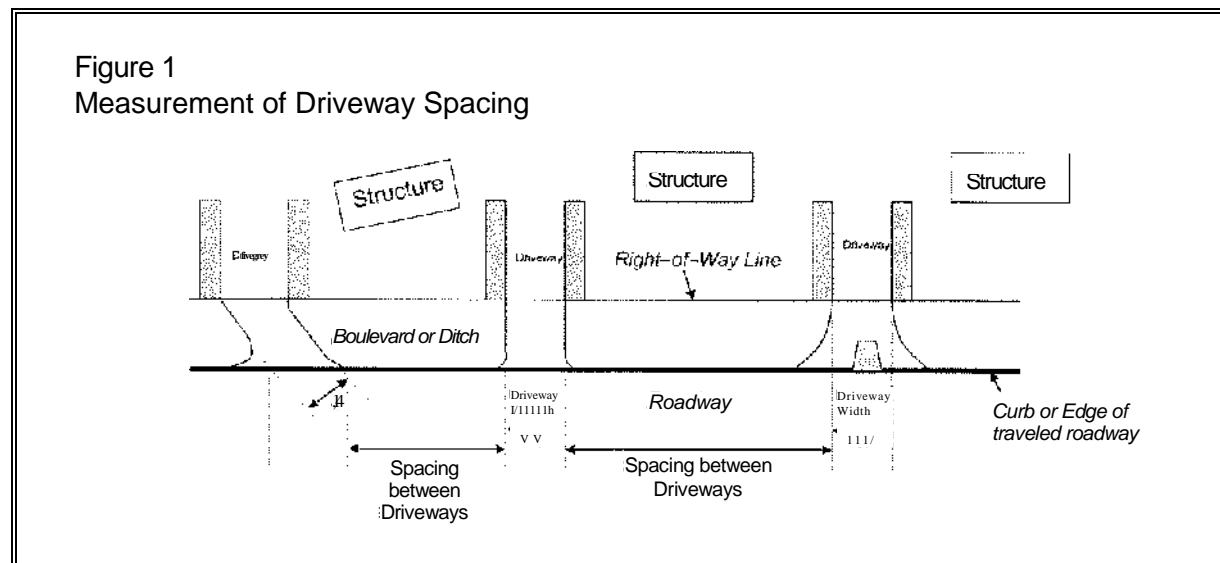
Commission: means the State Public Utilities Commission.

Common Ownership: where an individual solely or along with immediate family member(s) holds title or property rights in multiple contiguous parcels of real estate through any combination of individual ownership and/or ownership as part of a structured entity such as a partnership or corporation.

Congested Right-of-Way: means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of a new underground facilities without using hand digging to expose the existing lateral facilities in the conformance with Minnesota Statutes, section 216D.04. Subdivision 3, over a continuous length in excess of 500 feet.

Connection Spacing: The spacing between access connections shall be measured as follows:

- A. Spacing between two public or private street intersections along a street or road will be measured from the centerline of the one intersecting street to the centerline of the next adjacent intersecting street.
- B. Spacing between two adjacent driveways shall be measured from the nearest outside edge of the driveway under review to the nearest outside edge of the next driveway on the same side of the roadway. The separation shall be measured along the edge of the roadway at the curb line or, where no curb is present, the edge of the traveled roadway surface, based on projection of the driveway edge at the property line to the roadway curb

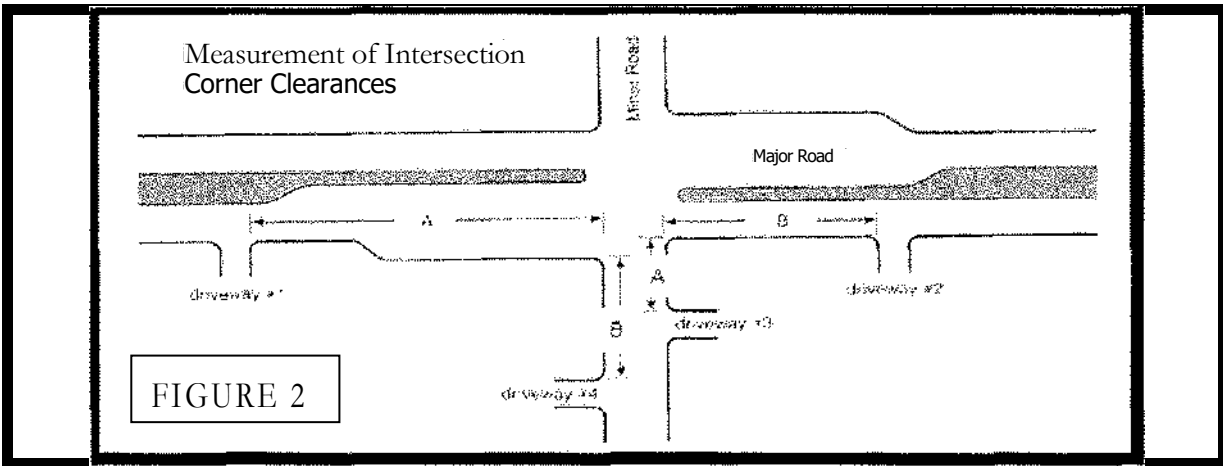


or edge line (See Figure 1).

- C. Spacing between a driveway and a public or private street shall be measured as provided for in the definition of Corner Clearance and Figure 2.
- D. Access will be considered in compliance with spacing requirements if it does not deviate more than 5% (five percent) from the spacing standards established in this Ordinance.

Corner Clearance: the distance from an intersection of two public or private streets to the nearest driveway, measured from the curb line or, where there is no curb line, the closest edge of the travel way on the intersecting road, to the closest edge of the driveway, measured

along the street to which access is being taken (See Figure 2). In Figure 2 dimension "A" illustrates upstream corner clearance and dimension "B" illustrates downstream corner clearance, criteria for which are found in Table 3.



Construction Performance Bond: A blanket bond for projects within the town, or other form of construction bond, for a time specified and in a form acceptable to the town.

Cross Access: a service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system. A shared access where one property owner has the legal right to access and use an access connection that is wholly on an adjacent property owner's land.

Degradation: a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

Degradation Cost: subject to Minn. R. 7819.1100, means the cost to achieve a level of restoration, as determined by the town at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minn. R., parts 7819.9900 to 7819.9950.

Degradation Fee: the estimated fee established at the time of permitting by the town to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

Department: means the Cascade Town Board as currently they have no department of public works for the Township.

Department Inspector: means any person authorized by the Township to carry out inspections related to the provisions of this ordinance.

Delay Penalty: is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching or restoration as established by permit.

Driveway, Heavy Commercial: a private access connection with a projected average daily volume of Heavy Vehicles of 30 vehicles per day or greater.

Driveway, High Volume: a private access connection with a projected average daily traffic greater than 500 vehicles per day.

Driveway, Low Volume: a private access connection with a projected average daily traffic of 50 to 500 vehicles per day.

Driveway, Minimum Use: a private access connection with a projected average daily traffic of less than 50 vehicles per day.

Easement: a grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

Emergency: a condition that:

- A. poses a danger to life or health, or of a significant loss of property; or
- B. requires immediate repair or replacement of facilities in order to restore service to a customer.

Equipment: any tangible asset used to install, repair, or maintain facilities in any right-of-way.

Excavate: to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Excavation Permit: the permit which, pursuant to this chapter, must be obtained before a person may excavate in a right-of-way. An Excavation Permit allows the holder to excavate that part of the right-of-way described in such permit.

Excavation Permit Fee: money paid to the town by an applicant to cover the costs as provided in Section 17.07.

Facility or Facilities: any tangible asset in the right-of-way used to provide Utility or Telecommunications Service.

Field Entrance: an access to an agricultural field used for the movement of farm vehicles and equipment. Access to a farmstead, feedlot, or farm-related structures is not a field entrance.

Functional Designation: a system used to classify public roadways according to the purpose they serve in the hierarchy of roads serving vehicular travel in Cascade Township. The functional designation of roadways in Olmsted County is identified in the Rochester-Olmsted County Council of Governments (ROCOG) 2045 Long Range Transportation Plan.

General Development Plan: a plan or concept that depicts the full development of a property in accordance with the requirements of the existing underlying zoning district, the Subdivision Ordinance, and/or the Comprehensive Plan.

Headwall: 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.

Heavy Vehicle: vehicles with a gross vehicle weight rating (GVWR) of 26,000 pounds or greater.

High Density Corridor: a designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

Hole: means an excavation in the pavement/ground or a disruption in the surface of the pavement/ground, with the excavation having a length less than the width of the pavement.

Immediate Family: immediate family members include a spouse or domestic partner, a sibling, a child, a parent, or a grandparent or grandchild, related by blood, adoption or marriage, all of who live in the same household.

Joint Access: a shared access connecting two or more contiguous properties to the public street system by means of an access connection shared by adjacent property owners along their common property line.

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.

Local Representative: means a local person or persons, or designee of such person or persons authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Ordinance.

Management Costs: means the actual cost the township incurs in managing its rights-of-way, including such cost if incurred as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking the right-of-way user permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes Sections 127.162 or 127.163; or any ordinance enacted under these sections, or the township fees and cost related to appeals and taken under Section 17.07 of this Ordinance.

Maintenance Supervisor: Cascade Township Road Maintenance Supervisor.

Nonconforming Access: an access connection to a property that existed prior to the effective date of this ordinance that does not conform with the requirements of this ordinance.

Obstruct. To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way, or so as to hinder maintenance of any town asset.

Obstruction Permit: means the permit to this Ordinance must be obtained before a person or company may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

Obstruction Permit Fee: means money paid to the township by a permittee to cover the cost as provided in Section 17.07.

Patch or Patching: a method of pavement replacement that is temporary in nature. A patch consists of:

- A. the compaction of the subbase and aggregate base; and
- B. the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions.

Partial Access: an access connection where one or more ingress or egress movements are restricted through the construction or erection of a physical barrier.

Pavement: any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permit: has the meaning given “right-of-way permit” in this Ordinance.

Permittee: any person to whom a permit to excavate or obstruct a right-of-way has been granted by the town under this chapter.

Person: an individual, corporation, business, trust, partnership or association or any other legal entity.

Private Street: a roadway built to the standards established in the Cascade Township Subdivision Ordinance for vehicular travel, which is privately owned and maintained, providing the principal means of access to 4 (four) to 10 (ten) abutting properties.

Public Street: a roadway under the jurisdiction of a public authority.

Reasonable Access: the access necessary to provide for safe conveyance of motor vehicles to and from a public road consistent with the purpose and intent of this Ordinance, other applicable plans adopted by the county (such as a Corridor Management Plan), or with other applicable rules or law of the State of Minnesota. Reasonable access does not necessarily mean direct access to a public road must be provided; access may be provided by a service road, another public road or a joint I shared access. Where direct access to a primary roadway is permitted, reasonably convenient and suitable access has been defined by Minnesota courts as access to the main roadway in at least one direction of travel.

Residential Access: a private access one or more single family detached or attached residential units, a farmstead, or farm-related structures, but not including an agricultural feedlot.

Restore or Restoration: the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy

that existed before excavation.

Right-of-Way: the entire width between boundary lines of any way or place under the jurisdiction of the Town when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic and is maintained by the Town intended, directly or indirectly, to be used for a street, road or drainage facility. Land in which the county has an interest, (including, but not limited to, by fee title, easement, or plat dedication), which is primarily intended, directly or indirectly, to be used for a highway, street, road, alley or drainage facility.

Right-of-Way: the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or public sidewalk in which the town has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the town. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

Right-of-Way Permit: either the excavation permit, the obstruction permit, the small cell permit or any combination thereof depending on the context, required by this chapter.

Right-of-Way User:

- A. a telecommunication right-of-way user as defined by Minnesota Statutes section 127.162, subd 4; or
- B. a person owning or controlling a facility in the right of way that is used or 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.

Service Road: a public or private street, auxiliary to and normally located parallel to a controlled access highway that maintains local road continuity and provides access for parcels adjacent to the controlled access facility.

Service or Utility Service: includes:

- A. those services provided by a public Utility as defined in Minn. Stat 216B.02 subds 4 and 6;
- B. services of a telecommunications right-of-way user, including transporting of voice or data information;
- C. services of a cable communication system as defined in Minn. Stat. Chapter 238;
- D. natural gas or electric or telecommunications services provided by the township;
- E. services provided by a cooperative electric association organized under Minn. Stat. Chapter 308A; and
- F. water and sewer, including service laterals, steam, cooling or heating services.

Service Lateral: means an underground facility that is used to transmit, distribute or furnish gas, electricity, communications, or water from a common source to an end use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer premises.

Site Plan: a plan or concept drawing that depicts full development of a property according to the requirements of the existing underlying zoning district.

Subdivision: the process of dividing a parcel of land into multiple parcels as defined in the Cascade Township and Olmsted County Subdivision Ordinance(s), including metes and bounds subdivisions.

Supplementary Application: means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend a permit had already been issued.

Telecommunication Right-of-Way User: means a person owning or controlling a facility in the right-of-way or seeking to own or control a facility in the right-of-way that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this ordinance, a cable communication system defined and regulated under Minn. Stat Chap. 238 and telecommunication activities related to providing natural gas or electric energy systems whether provided by a public utility as defined in Minn. Stat Sec 216iB.02, a municipality, a municipal gas or power agency organized under Minn. Stat Caps 453 and 453A, or a cooperative electric association organized under Minn. State Cap 308A are not telecommunications right-of-way users for purposes of this Ordinance.

Temporary Access: access which is in use for stated period of time, usually one year or less or until specific project is complete. Removal of access, once time frame has ended, is required.

Township: means the Township of Cascade, Olmsted County, Minnesota. For purposes of this document, "Township" means its elected officers, employees and agents.

Trench: means an excavation in the pavement/ground with the excavation having a length equal to or greater than the width of the pavement.

Temporary Surface: means the compaction of sub-base and aggregate base and replacement in kind of existing pavement only to the edges of the excavation.

SECTION 3: ACCESS PERMITS *(See definition of Access Permit in Section 2)*

3.01. Access Permit Required

An Access Permit issued by the Cascade Town Board of Supervisors shall be required for any construction, reconstruction, relocation or alteration of an access connection within the right-of-way of any Township Road, or where a change of use is proposed for a property with existing access connection to a Township Road Right-of-Way. Alterations include the widening of an existing access or changes to an existing culvert including lengthening or replacement. A change in use is defined to include:

- A. A change in the primary use of the land (e.g., agricultural to residential, residential to commercial, etc.). An access permit is granted for a specific use, and a new permit is required when a use changes since the location of an access connection may be suited for one use but not another. This includes changing the use of an existing field access.
- B. A substantial enlargement or expansion in the intensity of land use served by a private street or driveway is proposed, defined as 1) an increase in the gross floor area of a structure serving a primary use by 25% or 750 square feet, whichever is greater; or 2) an increase in the number of parking stalls by 50% or 10 stalls, whichever is greater.
- C. Changing the boundaries of a parcel or group of parcels where the change will result in increasing the number of lots with frontage on a Township Road or a reduction in lot frontage below the minimum access connection spacing requirements of this ordinance.

Where access connection(s) already exist on a parcel for which an access permit is requested, or on adjacent parcels under common ownership, all existing access(es) which are non-conforming or would become non-conforming with approval of the access permit will be reviewed and may be subject to modification as part of the access permit to insure the greatest level of consistency with the requirements of the Ordinance.

The Township Engineer shall be notified where reconstruction of existing conforming access connection is proposed but such action shall not require payment of a permit fee if the proposed action involves only the replacement and not alteration of the in-place access.

3.02. Application for an Access Permit

Applications for an access permit must be made in writing on a form provided by the Town Board or Zoning Administrator. A fee to be set by the Town Board of Supervisors shall accompany the Access Permit application when applicable. Where a proposed access connection has been approved as part of an Access Plan, a reduced fee to cover only the cost of design review and inspection shall be charged as part of the Access Permit application.

An application for an Access Permit shall be accompanied by a site plan and any supporting documentation showing the location of existing streets, property lines, utilities, easements, revocable licenses or permits, driveways and structures on the parcel, the type and intensity of existing and proposed land uses, and the proposed location of driveways and parking areas.

3.03. Review of Access Permits

A final decision on an Access Permit shall be made within 60 calendar days following acceptance of a complete application.

Upon review of the Access Permit application, the Township Engineer will issue either 1) an Access Permit indicating final approval with or without conditions; 2) a Preliminary Access Approval specifying changes and/or additional materials needed before an Access Permit will be issued; or 3) an Access Permit denial letter. Issuance of an Access Permit by the Township Engineer grants the permittee the right to construct an access connection to a township roadway consistent with the terms and conditions of the permit.

Conditions attached to issuance of an Access Permit shall be addressed during the construction of the access connection and completed before final inspection of the access connection. Where a Preliminary Access Approval has been issued, revised or additional materials will be reviewed within 10 business days after submittal, and an approval or denial of the Access Permit will be issued. Applications may only be rejected if conditional changes are not made. Where conditions are included involving easements or other legal agreements, proof will be required that such documents have been properly executed and recorded with Olmsted County Property Records and Licensing.

If the Access Permit is denied, the Township Engineer shall provide an itemized letter detailing why the application has been rejected. Applicants whose permits are denied have 60 days to appeal.

3.04. Construction of an Access Connection

Work shall be completed consistent with the approved Access Permit, and the completed work may be inspected and approved by the Town Board or their designee. An access connection constructed in a manner that does not comply with the conditions of the permit will be considered in violation of this ordinance and will be subject to action under Section 1.07. If the constructed access connection must be removed, the approved Access Permit will be considered null and void.

3.05. Construction Responsibilities

The applicant shall be responsible for all costs associated with the construction of an access connection, including improvements required to meet conditions of approval. Improvements may include, but are not limited to, the construction of the driveway or intersection, turn lanes, raised medians, connecting roadways or driveways, drainage structures; grading and site restoration; and the acquisition and/or dedication of the necessary Right-of-Way. If a culvert or apron is required, the applicant must purchase these materials from Cascade Township.

3.06. Discontinuance of existing driveway

When a change of use requiring a new Access Permit results in relocation of an access connection, existing driveways not approved for continuance shall be removed and the land

graded and landscaped to conform with adjacent land and any curb cut, if curb is present, shall be filled in with curb and gutter per the standards of Cascade Township.

3.07. Duration of Permit Approval

If the access connection has not been constructed within one year after approval of an Access Permit, the approval shall become null and void unless a request for a time extension to complete the access has been granted by the Town Board of Supervisors or their designee. A written request for an extension shall be submitted to the Town Board or their designee at least thirty (30) days before the expiration of the original approval. The request for extension shall state facts showing a good faith attempt to complete or utilize the approved access connection.

3.08. Bond

A Bond may be required in an amount to be determined by the Town Board to insure compliance with the requirements or conditions of an Access Permit in some instances when the Board determines that it is necessary to protect the well-being of the Township.

3.09. Maintenance

- A. The owner of a property served by an access connection shall maintain the driving surface of the access connection from the outer limit of the roadway shoulder to the outer limits of the Right-of-Way. Maintenance of the existing configuration of an access connection does not require issuance of a new Access Permit.
- B. Cascade Township shall maintain all remaining infrastructure related to the access connection including, but not limited to, culverts, drainage ways, access in-slopes and the shoulder and any turn lanes on the Township roadway, consistent with current Township maintenance policies.

SECTION 4: STANDARDS FOR ACCESS CONNECTIONS

4.01. Intent Regarding Permitted Access Connections

It is the intent of this ordinance for parcels abutting a Township roadway to permit one access per parcel, with connections on lower classification roads, where practical, in the case of parcels with frontage on more than one road. Except where alternative access is impractical, it is the intent of the ordinance not to allow new private connections to expressways or major arterial roadways and to eliminate existing non-conforming access. Access connections shall be located to provide adequate spacing between adjacent connections and adequate offset from connections across the roadway, considering both existing access connections and potential future connections needed to adequately serve future land uses in the vicinity of a proposed access connection.

4.02. Guidelines on Permitted Access Connections

Table 1 (page 18) defines the key principles that will be used to guide decisions regarding the permitting of access connections on different classes of roads. These principles emphasize the avoidance, where possible, of access connections to a Township Road where there is a significant difference in the operating character and function of the proposed access point and the highway facility.

4.02.1 Exceptions to the general rule of one access per parcel

- A. Access for a group of parcels having a single tax code number as of the effective date of this ordinance, or contiguous parcels under common ownership on the effective date of this ordinance, are entitled to one (1) access connection to the adjoining Township Road system to serve the parcels as a group, unless adequate road frontage exists to meet the spacing requirements of Section 4.023.
- B. Subdivisions approved after the effective date of this ordinance do not create the right to a new access connection for each resulting parcel.
- C. Lots with no frontage are not entitled by right to approval of an access connection on a Township Road; consideration shall be given to access via connection to an approved local or private street or via an Alternative Means of Access such as joint or shared access with a parcel that has conforming access to the Township Road system.

TABLE 1 Roadway Classification	Type of Connection Proposed		
	Local Public Streets and Roads High Volume Private Driveway	Private Street Low Volume Private Street	Driveway or Minimum use Drive
LIMITED ACCESS ROADWAYS / MEDIAN CONTROLLED			
Expressway	Connection for a Local Street is permitted if consistent with spacing for Local Streets (Table 2) subject to finding that a higher order road is not needed at that location. Also refer to Chapter 4 of ROCOG Long Range Transportation Plan for guidance on median openings and signal spacing	Connection generally Not Permitted; may be permitted in lieu of local public street on one leg of an intersection if consistent with spacing for Local Streets (Table 2) and subject to finding that public street is not needed	Connection not permitted except on interim basis where no feasible alternative access exists; approval of interim access must include agreement for removal of access when local street system is completed, or alternate access becomes available

Other Urban and regional Major Arterial	Connections permitted, but shall be in a location consistent with guidelines for Divided Road Median Openings found in Chapter 4 of ROCOG Long Range Transportation Plan, and subject to the finding that a major road is not needed at the location	Connection permitted, but shall be in locations consistent with the guidelines on Divided Road Median Openings found in Chapter 4 of the ROCOG Long Range Transportation Plan and subject to finding that a public road is not needed at location	Connection not permitted if alternative access available; if no feasible alternative exists consider approval of one access connection that will serve multiple properties through a joint/shared access to insure consistency with spacing requirements
LIMITED ACCESS ROADWAYS / UNDIVIDED			
Regional or Urban Major Arterial	Connection for a Local Public Street is permitted if consistent with spacing for Local Streets (Table 2)	Require access to lower-level road if available; otherwise, one access per parcel subject to driveway spacing (Table 2) and corner clearance (Table 3) requirements. If lot frontage < minimum spacing criteria, consider joint/shared access	Same criteria as for High Volume Private Driveway or Private Street
OTHER ROADWAYS			
Secondary Arterials	Secondary Arterials Connection for a Local Public Street is permitted if consistent with spacing for Local Street (Table 2)	Access connections permitted if consistent with spacing requirements in Tables 2 and 3	Require access to lower-level road if available, otherwise one access per parcel subject to minimum spacing requirements in Tables 2 and 3
Primary Collectors	Connection for a Local Public Street is permitted if consistent with spacing for Local Street (Table 2)	Access connections permitted if consistent with spacing requirements in Tables 2 and 3	One access per parcel subject to minimum spacing requirements in Tables 2 and 3
Local Streets	Connection for a Local Public Street is permitted if consistent with spacing for Local Street (Table 2)	Access connections permitted if consistent with spacing requirements in Tables 2 and 3	One access per parcel subject to minimum property line spacing of 25 feet

4.03. Minimum Spacing of Access Connections

Table 2 defines the minimum spacing required between access connections along non-local roadways based upon the functional classification of the abutting roadway and the posted speed limit.

Table 2: Local Street and Driveway Spacing

	Urban	Rural	DRIVEWAY SPACING		
Road Classification	Local Street Spacing (ft)	Local Street Spacing (ft)	Posted Speed Limit		
			< 35 Mph	35 - 45 Mph	> 45 Mph
Strategic Arterial	1320	2640	660	880	1000
Regional Major Arterial	880	2640	480	660	800
Urban Major Arterial	660	NA	275	375	500
Regional Secondary Arterial	660	1320	250	480	660
Urban Secondary Arterial	480	NA	175	275	330
Regional Primary Collector	480	660	150	330	480
Urban Primary Collector	330	NA	125	200	275
Local Collector	330	660	60	NA	NA

4.03.1

For sites with insufficient road frontage to meet the minimum spacing requirements, consideration shall first be given to providing access via connection to a street of lower classification, or through provision of an Alternative Means of Access such as utilization of a shared access with an adjacent property that meets the recommended spacing requirement or development of a service road to serve multiple properties with utilization of a joint or shared driveway with an adjacent property that meets the recommended spacing requirement, or development of a private road to serve multiple properties.

4.04. Corner Clearance Requirements

Table 3 defines the minimum corner clearance that shall be required for a proposed access connection under the regulations of this ordinance. Corner clearance requirements apply on each approach to an intersection. In Table 3, Column A under each speed limit range refers to the requirement for upstream corner clearance, Column B refers to the requirements for downstream corner clearance (*see Section 2, Definitions, for illustration*).

TABLE 3: CORNER CLEARANCE GUIDELINES							
Road Classification	Median Area	< 35 MPH		35-45 MPH		> 45 MPH	
		A	B	A	B	A	B
High Type Street Design							
Expressway	Divided	N/A	N/A	400	275	500	375
Expressway or Super Two	Undivided	350	250	450	315	625	435
Main Street		100	75	125	100	125	125
Urban Street Classes							
Major Arterial	Divided	135	100	150	115	175	125
Major Arterial	Undivided	225	175	300	235	375	300
Secondary Arterial	Undivided	175	125	235	175	275	225
Primary Collector	Undivided	100	75	125	100	175	125
Local Collector	Undivided	50	25	N/A	N/A	N/A	N/A
New Local Street	Undivided	50	25	N/A	N/A	N/A	N/A
Rural Street Classes							
Regional Major Arterial	Undivided	300	225	400	275	500	375
Regional Secondary Arterial	Undivided	275	175	350	235	425	315
Regional Primary Collector	Undivided	250	125	275	200	300	275
Other Rural Street	Undivided	100	75	125	100	150	125

4.04.1

If the amount of lot frontage is insufficient to meet corner clearance requirements, alternative means of access (a joint or shared access connection, development of a private road) should be considered to determine whether options consistent with the corner clearance guidelines can be achieved. Where this is not feasible due to parcel size or the existing adjacent development, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use or private road development.

4.05. Access Connections along Turn Lanes or Bypass Lanes

Irrespective of the local street and driveway spacing requirements in Table 2 and the corner clearance requirements in Table 3, access connections shall not be approved within any turn lane or bypass lane, including taper sections, except where no other reasonable or suitable access is available.

4.06. Field Access and Temporary Access Connections

An Access Permit may be issued for a field access serving cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field accesses and other limited use access connections will be reviewed on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the adjacent roadway(s).

The Town Board of Supervisors may grant an Access Permit for seasonal or limited duration uses such as a construction site, seasonal food stand or quarry/batch plant operation on a case-by-case basis. Approval of such access shall take into account the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the county roadway. Access Permits for seasonal or limited duration uses shall be temporary in nature, with time limits or other conditions limiting the duration of the permit established as part of the permit approval process.

4.07. Design and Location Guidelines for Access Connections

The following factors shall be considered by the Town Board of Supervisors in assessing the suitability of a proposed access connection location when reviewing a request for Access Permit or Access Plan approval.

- A. Offset Access Connections: On undivided roadways, access connections on opposing sides of the roadway should be aligned with one another or offset an adequate distance to minimize overlapping left turns and other maneuvers that may result in safety hazards or operational problems.
- B. Adequate Sight Distance: An access connection shall be located so as to provide adequate intersection sight distance.
- C. Auxiliary Lanes: The Town Board of Supervisors may require auxiliary lanes (left or right turn lanes, bypass lane, acceleration lanes) where deemed necessary due to traffic volumes or where a safety or operational problem is expected without such lane.
- D. Substandard Frontage: If lot frontage is inadequate to provide the required minimum spacing, access must be provided via a joint or shared access easement with an adjacent property, unless a Modification of Access Standards is granted (*see Section 8*).
- E. Future Development: To maintain minimum spacing requirements between commercial accesses when future development occurs, a proposed commercial access connection may be approved subject to the condition that it serves adjacent property via a joint/shared access located on the common property line or a cross-access easement.
- F. Easements for Joint Access: When required to provide a joint or shared access, the property owners must record an easement allowing cross access to and from the properties served by the shared driveway or cross access. The easement must include a joint maintenance agreement defining the responsibilities of the property owners.
- G. Restricting Left Turns: Left turning movements to or from a proposed access connection may be restricted at the time of construction or at a future date based upon existing or anticipated roadway operating conditions.
- H. Angle of Approach: Accesses shall be aligned to be straight and perpendicular to the centerline of the abutting Township roadway to the extent feasible.
- I. Auxiliary Features: Signs, entrances, medians, fencing, etc. shall be placed or constructed outside the Township Road Right-of-Way.
- J. Residential Access Design: Residential access must be designed to provide adequate space on the property for vehicles to turn around without the need to back onto a Township Road.
- K. Commercial Access Design: Commercial access must be designed so that backing, loading, unloading and other maneuvers are accommodated on-site and not using the Township Road Right of Way, and the access shall provide adequate stacking distance to prevent entering or exiting vehicles from obstructing the flow of traffic on the Township roadway.

- L. Commercial Access Geometries: The geometries of a commercial access shall provide adequate width, grade and radii to accommodate all vehicles that will access the site.
- M. Typical Entrance and Approach Dimensions: See Appendix B (Access Detail Engineering Drawings)

SECTION 5: ACCESS PLAN (*See definition of Access Plan in Section 2*)

5.01. Access Plan Required

An Access Plan is required to be submitted with any application for a subdivision, conditional use permit, or general development plan on any property with frontage on a Township roadway or taking access to a roadway under the jurisdiction of another governmental unit. The access plan would also be required if the general development plan is located within 1/8th mile of an intersection with a Township roadway or another governmental unit.

5.02. Review of Access Plans

An initial determination shall be made whether the information submitted meets the application requirements for Access Plans listed in Section 5.04 within thirty-seven days of receipt of the application for development approval. Review of Access Plans shall occur concurrently with the review of the development application by the County, Township or Municipality, with the recommendation of the County Highway Engineer or the Township's Engineer relative to the Access Plan included as part of the information packet that is submitted to the Township prior to any required public hearing or public review of the development application.

5.03. Access Plan Recommendation

The County Highway Engineer or Township Engineer's recommendation to the Township shall indicate whether they are satisfied that the proposed Access Plan is consistent with the standards and guidelines of this ordinance, or whether modifications or conditions are necessary to bring the proposed plan into compliance with this ordinance.

5.04. Access Plan Application Requirements

An application for Access Plan approval shall consist of a site plan with any supporting documentation showing the property and the surrounding area drawn to scale, illustrating the following information:

- A. The dimensions of the property and the location of public rights-of-way and property lines;
- B. The type and intensity of existing and proposed land uses, and proposed plotting pattern where the application involves the subdivision of land;
- C. The location of existing and/or proposed streets, driveways and parking areas;
- D. The location of, and distance to, public or private access serving adjacent parcels;
- E. A phasing plan if the property is planned to be developed in phases;

- F. A Transportation Impact Study if required under Section 10.48 of the Cascade Township Planning and Zoning Ordinance and requested by the Township Engineer.
- G. A signal justification report, if a traffic signal is proposed as part of the plan.

SECTION 6: APPROVAL OF PERMITS AND PLANS

6.01. Approving Access Permits

In reviewing an application for an Access Permit, the Town Board of Supervisors shall approve the permit if they determine the proposed access connection:

- A. Is consistent with the guidelines on permitted access connections in Section 4.0402 of this ordinance;
- B. Is consistent with the criteria on minimum driveway spacing and minimum corner clearance in Sections 4.03 and 4.04, respectively, of this ordinance;
- C. Provides adequate capacity to accommodate the conveyance of drainage in the public Right of Way;
- D. Is located such that adequate stopping and intersection sight distance is provided;
- E. Provides adequate offset from access connections on the opposite side of the road to minimize traffic conflict with traffic utilizing those access points;
- F. Is designed such that turning radii, driveway slope, angle of entry, and driveway width are consistent with good engineering design practice and with Appendix B (Typical Access Detail).
- G. Includes turn lanes, bypass lanes or acceleration lanes if needed to 1) safely manage speed differentials between turning and through highway traffic, or 2) prevent the queuing of inbound traffic from impacting mainline through traffic;
- H. Includes sufficient stacking distance between the shoulder edge or curb line and the first point of conflict for traffic on-site is provided to prevent the spill-back of site traffic onto the public road;
- I. Provides appropriate restrictions on inbound and outbound left-turning movements if needed for safety and to reduce traffic conflict;
- J. Provides for the safe crossing of the access connection for pedestrians and bicyclists;
- K. Insures that traffic control devices meet the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and, in the case of traffic signals, are located so as to allow for proper signal coordination and adequate left turn lane storage.

6.02. Approving Access Plans

In reviewing a proposed Access Plan, the Town Board of Supervisors and the County Highway Engineer, or Township Engineer shall consider the following factors in addition to the 11 factors listed in Section 6.01 before issuing a recommendation on the proposed Access Plan:

- A. Whether the number of access connections requested is the minimum number needed to adequately serve the site in terms of capacity and safety;
- B. Whether the Access Plan accounts for planned or future public street and access needs of properties adjacent to the site or across a county roadway Right of Way.

SECTION 7: SPECIAL REQUIREMENTS

7.01. Access Control Dedicated on Plats

Subdivision plats approved after the effective date of this Ordinance shall include the dedication of access control rights to Cascade Township along abutting Township roadways on the final plat document where required as a condition of approval for an Access Plan.

7.02. Access to Homes in Residential Subdivisions

When a residential subdivision is proposed abutting any Township Road, it shall be designed so as to provide lots directly abutting the Township roadway with access from an interior local road or private road. All reasonable access alternatives shall be investigated and judged unacceptable by the Town Board of Supervisors before direct residential driveway access on a Township Road is permitted in a residential subdivision

7.03. Turn Lane Guidance

Turn lanes and/or bypass lanes may be required where for reasons of safety and traffic management the separation of through traffic from turning traffic is justified. Turn lanes or bypass lanes may be considered in the following situations:

- A. Where justified by topographical or geometric considerations:
 - 1. Terrain or other physical features create limited sight distance, short vertical curves or result in steep grades on the through road at an intersection;
 - 2. On any divided highway where there is break in the median permitting left turns or U-turns to occur;
- B. Where justified by special traffic operation conditions:
 - 1. At locations where an appreciable portion of turning traffic is composed of heavy truck traffic, such as locations serving active gravel operations or large distribution centers;
 - 2. On corridors where turn lane construction has been the standard practice on past improvement projects, creating a level of expectation among motorists for turn lanes;
- C. Where justified based on crash experience within the corridor:
 - 1. A turn lane should be considered at any access point that has a demonstrated history of crashes susceptible to correction by installation of a turn lane;
- D. Where warranted by vehicular volume:
 - 1. In rural areas, consider construction of right turn lanes at all public street intersections where speeds are at or greater than 40 miles per hour and existing or projected mainline volumes are greater than 1,500 vehicles per day.
 - 2. In rural areas, when a private access is requested, a right turn lane should be provided where:
 - a. The access will serve more than ten residential units.
 - b. The access will serve a retail/industrial area that generates more than 75 right turns per day.

- E. In urban areas, applicants should refer to the Table 4-9 from the ROCOG 2045 Long Range Transportation Plan (reproduced below), for guidance on when turn lanes are required.

Table 4-9: Guidelines for Turn Lane Requirements in Urban Areas

Street Class	Through Lane Capacity Along Roadway	Projected volume	Intersection Turn Lanes Required					
			Intersecting Expressway		Intersecting Other Major Arterial or Higher Classification		Intersecting Secondary Arterial or Lower Classification	
			LEFT	RIGHT	LEFT	RIGHT	LEFT	RIGHT
Expressway								
	5-6 Lanes	>35,000	2	1	2	1	1	1
	4-5 Lanes	25-35,000	2	1	1	1	1	1
	4 Lanes	<25,000	1	1	1	1	1	1
Other Major Arterial or Higher Functional Class	5-6 Lanes	>40,000	2	1	2	1	1	1
	4 Lanes	>30,000	2	1	1	1	1	1
		<30,000	2	1	1	1	1	1
	2/2+TL/3 Lanes	>5,000	1	1	1	1	1	1
		<5,000	1	1	1	Not Required	1	Not Required
Below Major Arterial Functional Class	2+TL /3 /4 Lanes	>7,500	1	1	1	1	1	Not Required
		<7,500	1	Not Required	1	Not Required	Not Required	Not Required
	2 Lanes	>2,500	1	1	1	1	Not Required	Not Required
		<2,500	1	Not Required	Not Required	Not Required	Not Required	Not Required

Freeway Frontage Roads	3-4 Lanes	>10,000	2	1	1	1	1	1
	2 Lanes	<10,000	1	1	1	Not Required	1	Not Required

7.03.1 Contribution in lieu of construction of Turn Lanes

If a turn lane or bypass lane cannot be constructed due to existing Right-of-Way limitations, or incorporation of the construction into a future county capital improvement project is justified, the Town Board of Supervisors may require the applicant to pay into an escrow account an amount determined to be adequate to cover the cost of such installation once the needed Right-of-Way has been secured or public project is developed.

7.04. Transportation Impact Report

Applicants seeking Access Permit or Access Plan approval for a High-Volume Driveway, Heavy Commercial Driveway, or a non-local public street shall meet with the Township Engineer prior to submittal of the permit or plan application to determine whether the proposed development will require a preparation of a Transportation Impact Report pursuant to Section 10.48 of the Cascade Township Zoning Ordinance. Applicants should provide sufficient information in the form of mapping, preliminary site plans or development summaries to illustrate the size and type of proposed land use and existing or proposed access connections.

Preparation of a Transportation Impact Report does not presume the subsequent approval of an Access Permit or Access Plan by the Township. Subsequent action on an Access Permit or Access Plan will utilize the results of the Transportation Impact Report to determine that the proposed access improvements are consistent with the ordinance and that they are feasible and implementable.

7.05. Interchange Management Areas

The location and spacing of access connections and median openings within 1/4 mile of an interchange ramp or along a section of Township road that crosses an interchange extending from the interchange to the first intersection with an arterial road (whichever distance is less) shall be based on the guidelines for Interchange Management Areas contained in Chapter 4B, Roadway Network Management Guidelines, of the ROCOG 2045 Long Range Transportation Plan.

7.06. Requirements for Business and Retail Centers or Multi-Family Residential Complexes

Development sites consisting of multiple structures under the same ownership or consolidated for the purposes of site development shall not be considered separate properties in relation to the standards of this ordinance. The number of access connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available based on the existing frontage. Direct access for buildings should be internalized within the site using a shared circulation system that is designed to avoid excessive conflict between circulating traffic and parking maneuvers. Access control limiting direct access for individual building sites within the center or complex to the Township roadway shall be dedicated to the Town as part of the development approval process and recorded with the deed at the Olmsted County Recorder.

7.07. Right-of-Way Patching and Restoration

Subd. 1. *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable.

Subd. 2. *Patch and Restoration.* Permittee shall patch its own work. The town may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

- (a) ***Town Restoration.*** If the town restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the town, within thirty (30) days of billing, all costs associated with correcting the defective work.
- (b) ***Permittee Restoration.*** If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minn. Rule 7819.3000.
- (c) ***Degradation Fee in Lieu of Restoration.*** In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. *Standards.* The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the town and shall comply with Minn. Rule 7819.1100.

Subd. 4. *Duty to Correct Defects.* The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the town, shall correct all restoration work to the extent necessary, using the method required by the town. Said work shall be completed within five (5) calendar days of the receipt of the notice from the town, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.

Subd. 5. *Failure to Restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the town, or fails to satisfactorily and timely complete all restoration required by the town, the town at its option may do such work. In that event the

permittee shall pay to the town, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the town may exercise its rights under the construction performance bond.

SECTION 8: MODIFICATION OF STANDARDS

8.01. Modifications to Spacing Standards Approvable by the Town Board of Supervisors

Deviations up to 200 feet may be authorized by the Town Board of Supervisors where a property is unable to meet the minimum access connection spacing standards and where this deviation will not create a safety problem.

The Town Board of Supervisors may also approve a second access connection for parcel under single ownership where, due to restrictions created by topography or natural features such as a river or bluff, the parcel is effectively split for purposes of use into two separate and non-connected land areas that cannot be reasonably connected internally for access purposes.

The Town Board may attach conditions to the approval of a request as deemed necessary to promote the spirit and intent of this ordinance, including but not limited to:

- A. The access may be approved as an interim access to be phased out at a future time; or
- B. Certain turning movements to and from the access may be restricted at the time of construction or at a future date, based upon existing or anticipated traffic volumes; or
- C. The access may be required to serve existing or future adjacent property by means of a shared entrance or cross access easement; or
- D. Other conditions based on the conclusions and recommendations of a traffic impact study or review by the County Highway Engineer.

SECTION 9: NONCONFORMING ACCESS

9.01. Purpose

The purpose of this section is to recognize the existence of access connections which were lawful when established but do not meet the requirements of this ordinance, to discourage the expansion and/or intensification of such access, and to encourage the elimination of non-conforming accesses or reduce their negative impacts on the Township Road system as the opportunity to do so arises.

9.02. Continuation of Nonconforming Access

Access connections in place as of the effective date of this ordinance that do not conform with the standards shall be allowed to continue as long as there is no physical change in the access, change in the land use served by the access, or intensification of the land use served by the access. Normal maintenance and repair of the access shall not be considered to be a physical change in the access.

9.03. Discontinuation of Nonconforming Access

If the use of a non-conforming access is discontinued for more than one year, the access shall not be re-established unless approval of an access permit is obtained.

SECTION 10: CULTIVATION AND LANDSCAPING

10.01. Cultivation

No person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes, or shrubs within a Right-of-Way.

10.02. Landscaping

No person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage a Right-of-Way. No person may place watering systems or sprinkler heads within a Right-of-Way.

SECTION 11: OBSTRUCTIONS AND JUNK

11.01. 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, 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.

11.02. Junk

No person shall place or maintain junk in a Right-of-Way.

SECTION 12: ALTERATION OF GRADE

12.01. 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 13: MAILBOXES, SIGNS, AND NEWSPAPER BOXES

13.01. Mailboxes

Mailboxes and newspaper boxes are permitted within a Right-of-Way if they do not interfere with, obstruct, or render dangerous for passage 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 at owner's expense that do not comply with the standards as provided in Minnesota Statute section 169.072.

13.02. `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 14: APPROACHES AND HEADWALLS

14.01. Approaches

No person may construct or reconstruct any approach to a road without first obtaining approval by the Board. A person may be required to submit a map or drawing of the existing or proposed approach when seeking approval.

14.02. Culverts

Construction or reconstruction of an approach may require installation of a culvert meeting the specifications set out by the Board if the Board determines a culvert is necessary for suitable approach to the road and to promote adequate drainage of the Right-of-Way.

14.03. 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.

14.04. 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 15: TOWN AND CONTRACTORS

15.01 The prohibitions, requirements, and restrictions contained in this Ordinance do not apply to: the Town; town officers, employees, or agents while operating within the course and scope of their duties for the Town; or contractors while performing services within the scope of a contract with the Town.

SECTION 16: PERMISSION

16.01. Limitations

Any person receiving permission or a permit from the Board as provided in this ordinance must 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 permission or a permit must comply with all conditions, requirements, and limitations the Board expresses as part of the permission or permit. Failure to comply with any of the conditions, requirements, or limitations shall void the permission or permit and could place the person in violation of this ordinance.

SECTION 17: RIGHT OF WAY PERMITS

17.01. Reserved for Future Use

17.02. Registration and Right of Way Occupancy

17.02.1. Registration

Each person who occupies or uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in or on the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment must register with the township. Registration will consist of providing application information and paying a registration fee.

17.02.02. Registration prior to Work

No person may construction, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the township.

It shall be unlawful for any person, firm, or corporation to make any opening or excavation in or under any street, alley, thoroughfare, or right-of-way maintained by the Township of Cascade, unless and until a permit has been secured from the Township for each undertaking.

17.02.03. Exceptions

Nothing herein shall be construed to repeal or amend the provisions of a township ordinance permitting persons to plant or maintain boulevard plantings or gardens in areas of the right-of-way between their property and the street curb. Person planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way and shall not be required to obtain any permits or satisfy any other requirements for planting and maintaining such boulevard plantings or gardens under this ordinance. However, nothing herein relieves a person from complying with the provisions of Minn. Stat. Chap 216D, Gopher One Call Law.

17.03. Registration Information

17.03.01. Information Required.

The information provided to the township at the time of registration shall include, but not limited to:

- A. Each registrant's name, Gopher One-Call registration certificate number, address, and e-mail address, if applicable and telephone and facsimile numbers.
- B. The name, address and e-mail address, if applicable and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- C. A Certificate of Insurance or self-insurance
 - 1. Verifying an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota, or a form of self-insurance acceptable to the township.
 - 2. Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees and permittees including but not limited to protections against liability arising from completed operations, damage of underground facilities and collapse of property.
 - 3. Naming the township as an additional insured as to whom the coverages required herein are in force and applicable for and whom defense will be provided as to all such coverages
 - 4. Requiring the township be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and
 - 5. Indicating comprehensive liability coverage, automobile liability coverage, worker compensation and umbrella coverage established by the township in

amounts sufficient to protect the township and the public and to carry out purposes and policies of this ordinance.

- D. The Township will require a copy of the actual insurance policies.
- E. If the person is a corporation, a copy of the certificate is required to be filed under Minnesota Stat 300.06 as recorded and certified by the Secretary of State.
- F. A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

17.03.02. Notice of Changes

The registrant shall keep all the information listed above current at all times by providing to the township information as to changes within fifteen (15) days following the date which the registrant has knowledge of any change.

17.04. Reserved for future Use

17.05. Permit Requirement

17.05.01. Permit Required

Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the township to do so. Separate permits are required for each right-of-way unless proposed right-of-way will be performed in a contiguous manner.

- A. **Excavation Permit.** An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described herein, to the extent and for the duration specified therein.
- B. **Obstruction Permit.** An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

17.05.03. Permit Extensions

No person may excavate or obstruct the right-of-way beyond the date or dates in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit and (ii) a new permit or permit extension is granted.

17.05.03. Delay Penalty

In accordance with Minnesota Rule 7819.1000 subd. 3 and notwithstanding subd 2 of this Section, the township shall establish and impose a delay permit for unreasonable delays in right-of-way excavation, obstruction, patching or restoration. The delay penalty shall be established from time to time by township resolution.

17.05.04. Permit Display

Permits issued under this ordinance shall be conspicuously displayed or otherwise available at all times at the indicted work site and shall be available for inspection by the township.

17.06. Permit Applications

Application for a permit is made to the township. A copy of the permit application is at the end of this document or available from the township clerk. Right-of-way permit applications shall contain and will be considered complete only upon compliance with and fulfillment of the following requirements:

- A. Registration with the township pursuant to this ordinance.
- B. Submission of a completed permit application form including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- C. Submission of a Construction Performance Bond.
- D. Payment of money due the township for:
 - 1. Permit Fees.
 - 2. Franchise fees or other charges, if applicable.
- E. Any disputed loss, damage, or expense suffered by the township because of applicant's prior excavations or obstructions of the right-of-way, or any emergency actions taken by the township.
- F. Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the township deems the existing construction performance bond inadequate under applicable standards.

17.06.01. Issuance of Permit Conditions

17.06.01.A. Permit Issuance

If the applicant has satisfied the requirements of this ordinance, the township shall issue a permit.

17.06.01.B. Conditions

The township may impose reasonable conditions upon the issuance of the permit and the performance of the applicant there under to protect the property, health, safety, and welfare of the residents, and to protect the right-of-way and its current use.

17.07. Permit Fees

17.07.01. Excavation Permit

The township shall establish an Excavation permit fee in an amount sufficient to recover the following costs:

- A. The township management costs.
- B. Degradation cost, if applicable.

17.07.02. Obstruction Permit Fee

The Township shall establish the obstruction permit fee on a case-by-case basis and shall be in an amount sufficient to recover the township management costs.

17.06.03. Driveway Access or Approaches

If a permit is being sought for right of way work pertaining to driveway or approaches or access to roadways refer to driveway ordinance except for temporary access.

- A. This Ordinance shall govern any access which is sought for a limited amount of time and meets the definition of temporary.
- B. A permit shall be required.
- C. The following conditions require the applicant to fully restore the right-of-way to its pre-existing condition once the temporary access time frame has expired, and to leave it free from rubbish, excess materials, temporary structures or equipment:
 - 1. The complete restoration of any damage caused by the temporary use.
 - 2. Preservation of existing survey monuments
 - 3. Removal, replacement or installation of roadway signs.
 - 4. Replacement or restoration of fencing
 - 5. Compliance with restrictions of tree clearing and trimming
 - 6. Disposal of timber, roots and debris; and,
 - 7. Grading and reseeding of right of way.

17.06.04. Payment of Permit Fees

No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The permit fees shall be due at the time of application.

17.06.05. Non-Refundable

Permit fees that were paid for a permit that the township has revoked for non-compliance of permits conditions as stated in Section 17.15 are non-refundable.

17.07. Joint Applications

17.07.01. Joint Application

Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

17.07.02. Shared Fees

Registrants who apply for permits for the same obstruction or excavation, which the township does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

17.07.03. With township projects

Registrants who join in a scheduled obstruction or excavation performed by the township, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation and degradation portions of the permit fee, but a permit would still be required.

17.08. Supplementary Applications

17.08.01. Limitation on Area

A right-of-way permit is valid only for the area of the right-of-way specified on the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application a permit or permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

17.08.02. Limitation on Dates

A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date, or except as provided herein continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs and received the new permit or extension of the old permit before working after the end date of the previous permit. The supplementary application must be submitted before the permit end date.

17.09. Other Obligations

17.09.01. Compliance with Other Laws

Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the township or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher State One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and

regulations and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

17.09.02. Prohibited Work

Except in an emergency, and with the approval of the township, no right-of-way work obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

17.09.03. Interference with Right-of-Way

A permittee shall not obstruct a right-of-way so that the natural and free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with township parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by permit.

17.09.04. Trenchless Excavation

As a condition of all applicable permits, permittees employing trenchless excavation methods including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560 and shall require potholing or open cutting over existing underground utilities before excavating.

17.10. Denial of Permit

The township may deny a permit for failure to meet the requirements and conditions of this ordinance or if the township determines that the denial is necessary to protect property, health, safety and welfare of residents to protect the right-of-way and its current use.

17.11. Installation Requirements

The excavation, backfilling, patching and restoration and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.500 and other applicable local requirements, in so far as they are not inconsistent with Minnesota Statutes, Section 237.162 and 127.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service laterals installation is further subject to these requirements and conditions set forth by the township in the applicable permits and/or agreements referenced in Section 17 of this ordinance.

17.12. Inspection

17.12.01. Notice of Completion

When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rule 7819.1300.

17.12.02. Site Inspection

Permittee shall make the work-site available to the township and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

17.12.03. Authority of the Town Board

- A. At the time of inspection, the Town Board or their designee may order the immediate cessation of any work which poses a threat to the life, health, safety or well-being of the public.
- B. The Town Board or their designee may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the Town Board that the violation has been corrected. If such proof has not been presented within the required time, the Town Board may revoke the permit pursuant to Sec. 17.15.

17.13. Work Done Without a Permit

17.13.01. Emergency Situations

Each registrant shall immediately notify the Town Board of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavator's notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this ordinance for the actions it took in response to the emergency.

If the township becomes aware of an emergency regarding a registrant's facilities, the township will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the township may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrants whose facilities occasioned the emergency.

17.13.02. Non-Emergency Situations

Except as in an emergency, any person who, without first having obtained the necessary permit, obstructs, or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all other fees required by the township code, deposit with the township the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this ordinance.

17.14. Supplementary Notification

If the obstruction or excavation begins later or ends sooner than the date given on the permit, permittee shall notify the township of the accurate information as soon as the information is known.

17.15. Revocation of Permits

17.15.01. Breach

The township reserves its right, as provided herein to revoke any right-of-way permit without a fee refund, if there is a breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A breach by permittee shall include, but shall not be limited to the following:

- A. The violation of any material provision of the right-of-way permit;
- B. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the township or its citizens;
- C. Any material misrepresentation of fact in the application for a right-of-way permit;
- D. The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
- E. The failure to correct in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 1.19.

17.15.02. Written Notice of Breach

If the Township determines that the permittee has committed a breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the township shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A breach as stated above, will allow the township, at its discretion to place additional or revised conditions on the permit to mitigate and remedy the breach.

17.15.03. Response to Notice of Breach

Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the township with a plan, acceptable to the township, which will cure the breach. Permittee's failure to contact the township, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

17.15.04. Reimbursement of Township Costs

If a permit is revoked, the permittee shall also reimburse the township for the township's reasonable costs, including restoration costs and the cost of collection and reasonable attorneys' fees incurred in connection with such revocation.

17.16. Mapping Data

17.16.01. Information Required

Each registrant and permittee shall provide mapping information required by the township in accordance with Minnesota Rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the Town Board accurate maps and drawings certifying the “as built” location of all equipment installed, owned and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the electronic mapping system, when practical or as a condition imposed by the Town Board. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder’s registration.

17.16.02. Service Laterals

All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee’s use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the Town Board reasonable requires it. Permittees or their subcontractors shall submit to the Town Board evidence satisfactory to the Town Board of the installed service lateral locations. Compliance with this subdivision 2 with applicable Gopher State One Call law and Minnesota Rules governing service laterals shall be a condition of any township approval necessary for 1)) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) township approval of performance under development agreements, or other subdivision or site plan approved under Minnesota statutes, Chapter 462. The town board shall reasonably determine the appropriate method of providing such information to the township. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permit of the offending permittee or its subcontractors.

17.17. Location and Relocation of Facilities

17.17.01.

Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100 to the extent the rules do no limit authority otherwise available to cities.

17.17.02. Corridors

The township may assign a specific area within the right-of-way, or any particular segment thereof as may be necessary for each type of facilities that is or, pursuant to current technology, the township expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the township involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the township shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the township for good cause shown, upon

consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

17.17.03. Nuisance

One year after the passage of this ordinance, any facilities found in a right-of-way that have not been registered shall be deemed a nuisance. The township may exercise any remedies or rights it has at law or in equity, including, but not limited to abating the nuisance or taking possession of the facilities and restoring the right-of way to a useable condition.

17.17.04. Limitation of Space

To protect property, health, safety and welfare or when necessary to protect the right-of-way and its current use, the township shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the township shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's need for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future township plans for public improvements and development projects which have been determined to be in the public interest.

17.18. Pre-excavation Facilities Location

In addition to complying with the requirements of Minn. Stat. 216D.01-.09 ("Gopher State Once Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of such facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavator contractor to establish the exact location of its facilities and the best procedure for excavation.

17.19. Damage to Other Facilities

When the township or its contractor does work in the right-of-way and finds it necessary to maintain support, or move a registrant's facilities to protect it, the township or its contractor shall notify the local representative as early as it is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the township's response to an emergency occasioned by the registrant's facilities.

17.20. Right-of-Way Vacation

Reservation of right. If the township vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

17.21. Indemnification and Liability

By registering with the township or by accepting a permit under this ordinance, a registrant or permittee agrees to defend and indemnify the township in accordance with the provisions of Minnesota Rule 7819.1250.

17.22. Abandoned and Unusable Facilities

17.22.01. Discontinued Operations

A registrant who has determined to discontinue all or a portion of its operations in the township must provide information satisfactory to the township that the registrant's obligations for its facilities in the right-of-way under this ordinance have been lawfully assumed by another registrant.

17.22.02. Removal

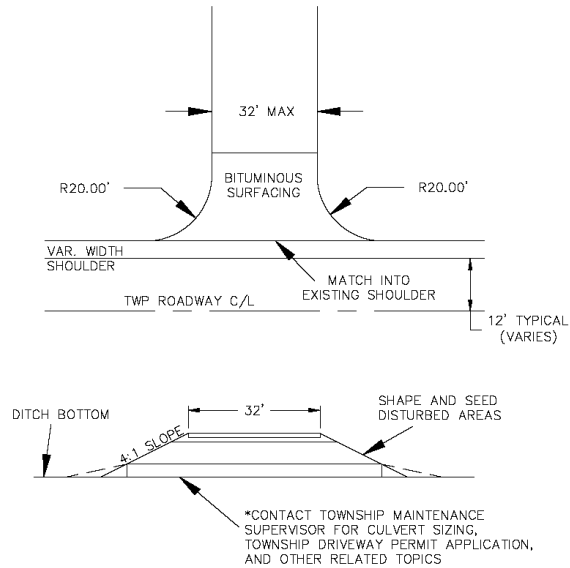
Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the township.

17.23. Appeal

A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes the fees imposed are not in conformity with Minn. Stat §237.163 Subd 6; or disputes a determination of the Town Board regarding Section 17.15 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the township board. The township shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the township board affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

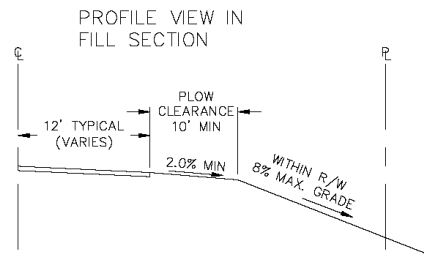
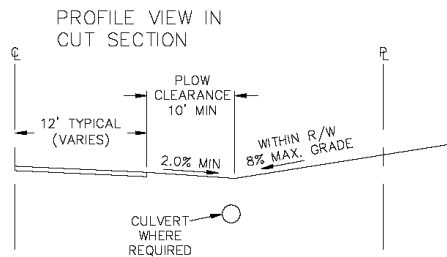
Appendix B:

COMMERCIAL ENTRANCE



GENERAL NOTES:

- 1) IF MODIFICATIONS ARE MADE TO AN EXISTING ENTRANCE BY A PROPERTY OWNER, THE ENTRANCE SHALL BE BROUGHT UP TO ALL CURRENT ROCHESTER/CASCADE TOWNSHIP STANDARDS AT THE PROPERTY OWNERS EXPENSE.
- 2) MATCH INPLACE SECTION WHERE SURFACING EXISTS. TYPICAL SURFACING IS 8" AGGREGATE SURFACING TO THE R/W FOR NEW ENTRANCES.
- 3) FOR RECONSTRUCTION PROJECTS, CONCRETE AND BITUMINOUS ENTRANCES SHALL BE REPLACED WITH BITUMINOUS TO THE LIMIT REMOVED.
- 4) WHERE REQUIRED THE BITUMINOUS SURFACING SHALL BE A MINIMUM 3-1/2" BITUMINOUS WEARING COURSE PLACED IN TWO LIFTS OVER A MINIMUM 8" AGGREGATE BASE.



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

MARK R. WELCH

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LAST REVISED: 1-29-19

Prepared For:
ROCHESTER/CASCADE

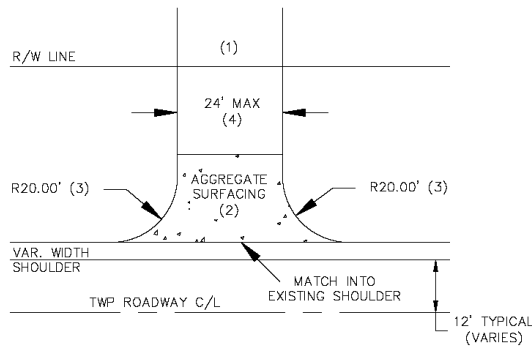
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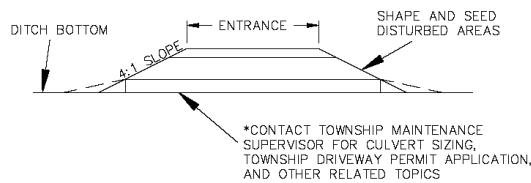
SHEET 1 OF 1 FILE NO.: 04-140

FIELD ENTRANCE

PLAN VIEW



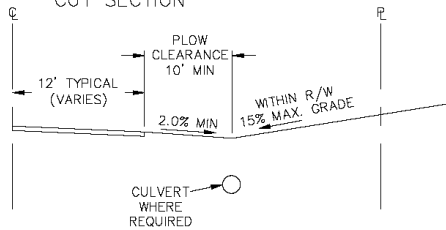
SECTIONAL VIEW



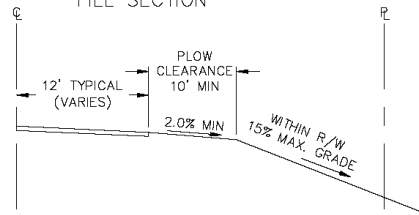
GENERAL NOTES:

- 1) IF MODIFICATIONS ARE MADE TO AN EXISTING ENTRANCE BY A PROPERTY OWNER, THE ENTRANCE SHALL BE BROUGHT UP TO ALL CURRENT TOWNSHIP STANDARDS AT THE PROPERTY OWNERS EXPENSE.
- 2) TYPICAL SURFACING IS 12" AGGREGATE SURFACING TO THE R/W.
- 3) THE RADIUS MAY BE EXPANDED 30 FEET IF THE TOWNSHIP ROAD WIDTH INCLUDING SHOULDER IS LESS THAN 24 FEET.
- 4) 36 FOOT MAXIMUM WIDTH FOR SHARED ENTRANCES.

PROFILE VIEW IN CUT SECTION



PROFILE VIEW IN FILL SECTION



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

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LAST REVISED: 1-29-19

Prepared For:
ROCHESTER/CASCADE

TOWNSHIP

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SHEET 1 OF 1 FILE NO.: 04-140

LOCAL STREET TYPICAL

GENERAL NOTES:

- 1.) CONTACT THE ROADWAY JURISDICTION OF THE EXISTING ROADWAY FOR PERMIT. PROVIDE SIGHT AND STOPPING DISTANCE CRITERIA FOR APPROVAL.
- 2.) NEW STREET CONSTRUCTION REQUIRES BITUMINOUS SURFACING THAT SHALL BE A MINIMUM OF 3.5 INCHES IN DEPTH PLACED IN TWO LIFTS. DEPTH OF AGGREGATE SHALL BE A MINIMUM OF 8 INCHES. ROAD DESIGN SHALL BE A 7 TON MINIMUM BASED ON A GEOTECHNICAL REPORT AND R-VALUES. RECONSTRUCTION SURFACING REQUIREMENTS SHALL BE DETERMINED BY THE TOWNSHIP AUTHORITY RECOMMENDING THE PROJECT.
- 3.) INSLOPES SHALL BE 4:1. A SLOPE INCREASE TO 3:1 IS ACCEPTABLE IN MAJOR FILL SECTIONS WHERE NO DRIVEWAYS OR OTHER OBSTRUCTIONS WILL BE CONSTRUCTED. SLOPES STEEPER THAN 3:1 SHALL REQUIRE A GEOTECHNICAL REPORT ADDRESSING SLOPE STABILITY AND ANALYSIS OF THE NEED FOR GUARDRAILS.
- 4.) BACKSLOPES SHALL BE 4:1. A SLOPE INCREASE TO 3:1 IS ACCEPTABLE TO TIE OUT TO EXISTING GROUND IN CUT SECTIONS. DRIVEWAYS IN NEW STREET CONSTRUCTION WHICH CROSS A CUT SLOPE IN EXCESS OF 4:1 SHALL BE CONSTRUCTED AS PART OF THE STREET GRADING. DRIVEWAY GRADING SHALL BE TO A POINT DEPICTED AS THE BUILDING PAD OR TO NATURAL GROUND WITH A SLOPE OF LESS THAN 12%.
- 5.) SUBDRAIN SHALL BE INSTALLED AT THE SURFACING EDGE AND/OR IN DITCH BOTTOMS TO ENSURE A DRY SUBGRADE AND TO ALLOW FOR MAINTENANCE OF THE RIGHT OF WAY. LOCATIONS FOR SUBDRAINS SHALL BE BASED ON SOILS, TOPOGRAPHY AND STREET GEOMETRICS.
- 6.) PROPERTY LINES AND EASEMENTS AT STREET INTERSECTIONS SHALL BE ROUNDED WITH A RADIUS OF 15 FEET OR A COMPARABLE CORD.

ROADWAY TYPICAL SECTION
NOT TO SCALE

PROFILE VIEW IN FILL SECTION

PROFILE VIEW IN CUT SECTION

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MARK R. MELCH

DATE: _____ REG. NO. 42736

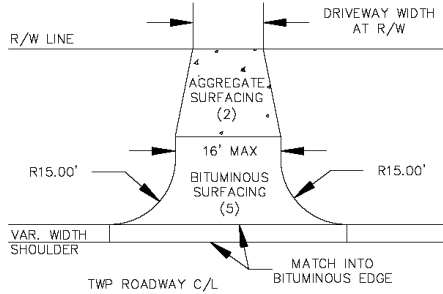
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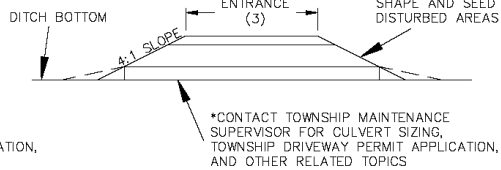
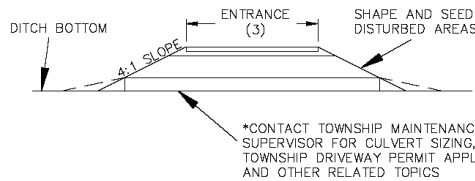
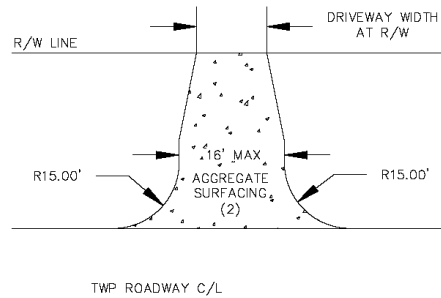
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ROCHESTER/CASCADE
TOWNSHIP
SHEET 1 OF 1 FILE NO. D4-140

RESIDENTIAL ENTRANCE

BITUMINOUS SURFACED
TOWNSHIP ROAD RESIDENTIAL
ENTRANCE



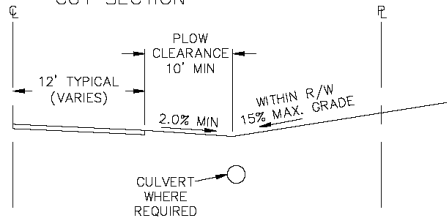
AGGREGATE SURFACED TOWNSHIP
ROAD RESIDENTIAL ENTRANCE



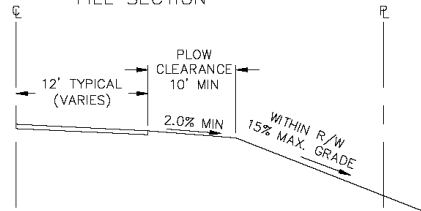
GENERAL NOTES:

- 1) IF MODIFICATIONS ARE MADE TO AN EXISTING ENTRANCE BY A PROPERTY OWNER, THE ENTRANCE SHALL BE BROUGHT UP TO ALL CURRENT TOWNSHIP STANDARDS AT THE PROPERTY OWNERS EXPENSE.
- 2) MATCH INPLACE SECTION WHERE SURFACING EXISTS. MINIMUM SURFACING IS 8" AGGREGATE SURFACING TO THE R/W FOR NEW ENTRANCES.
- 3) STANDARD RESIDENTIAL ENTRANCE WIDTH SHALL BE 16 FEET OR LESS FOR NEW ENTRANCES BASED ON USE. WHEN MODIFYING AN EXISTING ENTRANCE, MATCH EXISTING WIDTH TO A MAXIMUM OF 16 FEET.
- 4) FOR RECONSTRUCTION PROJECTS, CONCRETE AND BITUMINOUS ENTRANCES SHALL BE REPLACED WITH BITUMINOUS TO THE LIMIT REMOVED.
- 5) WHERE REQUIRED THE BITUMINOUS SURFACING SHALL BE A MINIMUM 3-1/2" BITUMINOUS WEARING COURSE PLACED IN TWO LIFTS OVER A MINIMUM 8" AGGREGATE BASE.

PROFILE VIEW IN
CUT SECTION



PROFILE VIEW IN
FILL SECTION



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

MARK R. WELCH

DATE _____ REG. NO. 42736

G³

G-Cubed

14070 Hwy 52 S.E.
Chatfield, MN 55923

ENGINEERING
SURVEYING
PLANNING

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LAST REVISED: 1-29-19

Prepared For:
ROCHESTER/CASCADE

TOWNSHIP

...

SHEET 1 OF 1 FILE NO.: 04-140

Print or type application.

Comments: _____

_____ **TOWNSHIP**
APPLICATION FOR PERMIT TO INSTALL
FACILITY ON TOWNSHIP RIGHT OF WAY

☐ Cascade Township
C/O Cascade Clerk
2025 75th ST NE
Rochester, MN 55906
cascadetownclerk@outlook.com

☐ Rochester Township
C/O Rochester Clerk
4111 11th AVE SW
Rochester, MN 55902
rochestertownshipclerk@gmail.com

Application is hereby made for permission to place, construct and thereafter maintain a
_____ on or across Township Road.

No. _____ from _____
to _____ feet from center
line on the _____ (east, west, north or south) side of the Township Road in accordance with the sketch
shown on the within application or attached thereto.

I. FACILITY TO BE INSTALLED

- | | | |
|---|------------------------------------|--------------------------------------|
| <input type="checkbox"/> Water | <input type="checkbox"/> Electric | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Sanitary Sewer | <input type="checkbox"/> Telephone | <input type="checkbox"/> Storm Sewer |
| <input type="checkbox"/> Drainage Tile | <input type="checkbox"/> Gas Line | <input type="checkbox"/> Cable TV |

II. UNDERGROUND CONSTRUCTION

CONDUIT

- | | |
|--|---|
| <input type="checkbox"/> Multiple Tile | <input type="checkbox"/> Sectional Concrete |
| <input type="checkbox"/> Transite | <input type="checkbox"/> Steel Pipe |
| <input type="checkbox"/> Clay Tile | <input type="checkbox"/> Other _____ |

CASING

- ☐ Steel Pipe ☐ Sectional Concrete ☐ Other _____

Size _____ Depth _____

Voltage _____ Number of Conductors _____ Size of Conductors _____

METHOD OF INSTALLING UNDER ROADBEDS

- ☐ Jacking ☐ Boring ☐ Pneuma Gopher ☐ Open Trench

OTHER INSTALLATION METHODS: _____

Extent and Location of Tree Clearing

III. Work to start on or after _____ and to be completed on or before _____

*The bonding cost will be \$10/linear foot for the first 5000 feet and \$5/linear foot for every foot over the base 5000 linear feet. The cost will be used to cover mobilization on small projects if the install does not perform restoration to a satisfactory level. The bond will have a term of one year with an automatic renewal of one year.

IV. The applicant in carrying on any and all of the work herein above mentioned or referred To in its application and in the Permit issued heretofore, shall strictly conform to the terms of such Permit, and the regulation of the Township Board of Supervisors as set forth herein together with the special Provisions, all of which are made a part hereof. The applicant specifically agrees to be bound hereby. The applicant shall also comply with the regulations of all other governmental agencies for the protection of the public. The work shall be accomplished in a manner that will not be detrimental to the Town and that will safeguard the public.

Dated this ____ day of _____, 20____

Name of Person or Company making application

By _____

Title

APPROVED:

_____ TOWNSHIP

OLMSTED COUNTY, MINNESOTA

BY _____