

County Ordinance No. 5

~~As Amended November 4, 1975~~ Amendment No. 2

AN ORDINANCE FOR THE REGULATION OF APPROACHES AND UTILITY INSTALLATIONS
ON RIGHT-OF-WAY OF COUNTY ROADS

Of Hubbard County, Minnesota

1. 1.0. General Provisions

- 1.1 **Policy** The Board of Commissioners of Hubbard County recognizes the need for regulation of entrances from adjoining lands to the traveled way of the County State Aid Highways and the County Road Systems under their supervision in order to promote the public safety, the esthetic values and engineering integrity of said road systems.

The intent of this ordinance is to permit a reasonable access to the road from abutting lands as is compatible with the principals as set forth in the following:

- 1.2 Statutory Authorization Pursuant to Minnesota Statutes Chapter ~~500~~160, Sec. 160.08 Subd. 3, Sec. 160.18 Subd. 1, 2, 3, and Sec. 160.27 Subd. 1 through 13, ~~and as amended by H.F. No. 130, Chap. No. 24. The Board of Commissioners of Hubbard County do hereby ordain the following:~~

2.02. Regulations

- 2.1 No approach or entrance shall be constructed unless the owner of the land served by same shall have in his possession a valid permit signed by the County Highway Engineer of Hubbard County. The person constructing such entrance, if different from the landowner, shall have in his possession a copy of said permit during said construction. The issuance of this permit is to be conditioned on such items as public safety, drainage, sight distances, esthetics in addition to considerations of convenience and necessity to the landowner. ~~If it is determined by the County Engineer, or his representative, that a culvert is necessary for proper drainage, a \$50.00 cash, check or money order payable to the Hubbard County Treasurer shall be deposited with the County Engineer. If it is determined by the County Engineer, or his representative, that a culvert is not needed, a \$25.00 cash, check or money order payable to the Hubbard County Treasurer shall be deposited with the County Engineer. No deposits will be returned to the applicants. Culverts will be furnished by the County and remain the property of the County. The Engineer shall be the sole judge in the above determinations.~~
- 2.2 ~~Applications for permit to construct an entrance shall be made on forms prescribed by the County. Such application shall be made at least 7 days before the construction of same. A non-refundable entrance application fee as determined by the Hubbard County Board of Commissioners paid by cash, check or money order payable to the HUBBARD COUNTY TREASURER OR HUBBARD COUNTY HIGHWAY DEPARTMENT will be required by the County Engineer prior to inspection of driveway entrance. This fee will cover the cost of inspection and a culvert for drainage if necessary. If a larger than standard size entrance is requested by the applicant and approved, the costs of the additional culvert required will be paid for by the applicant prior to delivery. Culverts will be furnished by the County and remain the property of the County.~~
- 2.3 ~~Each entrance shall substantially comply with the specifications of the County Highway Department. The applicant shall build the entrance at his own expense. Installation of the culvert is the applicant's responsibility and shall substantially comply with the specifications of the County Highway Department. During the course of a general road building or rebuilding either by contract or county forces, necessary entrances will be built at County expense.~~
- 2.4 ~~A temporary permit will be granted conditioned upon the receipt of \$50.00 cash or check made payable to Hubbard County Treasurer. Temporary entrances must meet these same requirements as above, and money will be returned after satisfactory removal of the entrance at the time set forth in the permit. Should said entrance remain after the time in the permit has expired, the County will remove the entrance, in which case the \$50.00 shall be~~

~~forfeited. Please obtain a location marking stake from Hubbard County Highway Department or Environmental Services Office upon submittal of application and install in the center of the proposed driveway location site. Upon receipt of an entrance application, the Engineer or his/her representative will inspect the site for location approval and culvert requirement at his/her earliest convenience. The Engineer or his/her representative shall be the sole judge in the above determination. Applicant will be notified of the Engineer's decision; if approved, the entrance permit will be issued. If a culvert is required it will be delivered on date specified by applicant with a 72 hour advance notice.~~

- 2.5 ~~Entrances that have been in place 90 days or more prior to re-grading by Contract or County Forces will be replaced at no expense to the abutting land owner or renter. The Board of County Commissioners may require the Public Utilities, or its contractor, to furnish a deposit in the form of a certified check, a surety bond or corporate undertaking, in favor of the Board of County Commissioners of Hubbard County, for any expense incurred by the County in the repairing of damage to any portion of the county highway right of way caused by work performed under a Permit, including any out of the ordinary engineering supervision and inspection expense provided by the county. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the Special Provision s of the Permit. If a check is furnished, any monies remaining over and above such expense shall be returned to the applicant.~~
- 2.6 ~~It shall be the general policy to allow one entrance to each household or business location and one entrance to each 40-acre tract of rural land. If an applicant can demonstrate that additional entrances would be necessary to avoid undue hardship or expense and the entrance location meets aforementioned requirements, entrance will be permitted providing applicant bears entire cost. Any person not complying with this ordinance shall be guilty of a misdemeanor and subject to a fine for violation of any provision of this ordinance.~~
- 2.7 ~~Public Utilities desiring to install or maintain facilities which require digging, impeding traffic, or other major activity on the road right of way, and which operation shall exceed \$1,000 in value, shall obtain a permit and post a \$500 bond conditioned on the satisfactory restoration of the right of way and/or roadway to its original condition. Such bond, by agreement, may be made continuous in coverage, subject to depletion by non-compliance of the applicant. If value of said installation or maintenance is less than \$1,000 a permit only shall be required.~~
- 2.8 ~~Any person not complying with this ordinance shall be guilty of a misdemeanor and subject up to a \$300 fine for each violation of any provisions of this ordinance.~~

3.03. Date of Effect

- 3.1 ~~This ordinance shall be in full force and effect from and after its passage and approval, as provided by law become effective upon its adoption and publication according to law.~~

Adopted this 17th day of July, 2002 by the Board of Commissioners, Hubbard County, Minnesota.

Dated:

Chairman of the Board

ATTEST:

County Coordinator