

***Fourth Amended
Private Driveway and Culvert Ordinance***

WHEREAS, on April 15, 2004, after Published Notice of a Public Hearing, the Board of Supervisors of Sunrise Township, Chisago County, Minnesota conducted a Public Hearing regarding the construction of driveways and culverts within the Town of Sunrise.

WHEREAS, the town board made the following findings:

1. The Town of Sunrise has become aware of increasing numbers of private driveways and culverts being constructed off Township roads and within the right of way of such Township roads;
2. Private driveways and culverts which are improperly located or constructed within the right of way of Township roads have adverse effects on the health, welfare and safety of the residents of Sunrise Township;
3. The Town has become aware of the need that all Mailboxes be placed so as to not intrude into traveled surface of the right of way and that **all Mailboxes be of the Swinging type**;
4. The Town has become aware of the need to require Developers to fully perform the terms of their Developer's Agreements with the Township;
5. The Town has become aware of the need to clarify the fact that the Town is in no way responsible or liable for the proper placement and construction of driveways and culverts;

NOW THEREFORE, BE IT RESOLVED THAT pursuant to authority granted in Minnesota Statutes, the Sunrise Township Board of Supervisors does hereby adopt the following "Fourth Amended Private Driveway and Culvert Ordinance:"

1. All persons desiring to construct, relocate or alter any private driveway or culvert within the right of way of any
 - a. presently existing or
 - b. dedicated but not yet formally accepted Sunrise Township road.

Shall first apply for a written permit from the Sunrise Township Board of Supervisors.

In cases where the lot in question is within premises described in any written Developers Agreement with the Town of Sunrise, the permit Application shall be made by the Developer regardless of whether the

Developer is the owner of the Lot in question. Not permit will be issued if the Developer is not in compliance with the all terms of the Developers Agreement. Whether the Developer is in compliance with all terms of the Developers Agreement shall be determine by the Sunrise Township Board.

2. The permit application procedure shall be as directed in writing by the Town Clerk. All permit applications shall be made on written forms approved a supplied by the Town Clerk.

No application shall be complete unless submitted with a non-refundable \$100.00 fee, administration and inspection fee plus an additional \$900.00 deposit.

The \$900.00 deposit shall be refunded only after proper completion of the driveway and installation of the Culvert. If the Applicant requests that the Township supply a Culvert, and the Township so agrees, the reasonable costs of purchasing and delivering he Culvert will be deducted from the \$900.00 deposit.

The \$900.00 deposit may also be retained by the Town at the rate of \$25.00 per additional inspection after the first two (2) inspections. The \$900.00 deposit may also be retained by the Town to pay the costs, if any, to properly complete placement and installation of any driveway and culvert, and any and all costs associated therewith which the Town reasonably incurs for its Surveyor, Engineer and Attorney.

3. No permit to construct, relocated or alter any private driveway or culvert within the right of way of any Sunrise Township road shall be issued unless and until such permit application is first reviewed and approved in writing by the Sunrise Township Board o Supervisors or its designated representative. Prior to issuing a permit the Sunrise Board of Supervisors may in its discretion require a review and written approval of said application by any or all of the following:

- a. The Township's Engineer;
- b. A licensed Surveyor; and
- c. The Township's Attorney.

The entire cost of any and all services required to review and approve such permit application shall be paid in full by the applicant prior to final issuance of any permits.

4. No permit to construct, relocate or alter any private driveway or culvert located in any development, Subdivision or Plat within the right or way of any existing or dedicated but not yet accepted Sunrise Township road shall be issued to any applicant unless the Sunrise Township Supervisors in their sole discretion determine that the Developer of the underlying property is in full compliance with all terms and conditions of any prior Developer's Agreement

and also with any other past or future terms and conditions imposed upon such Developer by the Sunrise Township Board of Supervisors.

5. All Private driveways or culverts constructed within the right of way of any Sunrise Township road shall in all respects comply with any applicable requirements and specifications, if any, of the Township and of the Minnesota Department of Transportation. A copy of the requirements and specifications shall be provided by the Town Clerk to the Applicant.
6. No permit to construct, relocate or alter any private driveway or culvert located in any Development, Subdivision or Plat within the right of way of any a). existing or b). dedicated but not yet accepted Sunrise Township road shall be issued to any applicant unless and until the applicant agrees in writing to construct and maintain a mailbox of the State Approved swinging type shown on the attached diagram, which will not protrude into the traveled surface of the right of way and will comply with all US Postal mail box regulations.
7. The Board of Supervisors may require initial and final inspections and approvals of private driveways or culverts.
8. This Ordinance was passed by a unanimous vote of all five (5) Town Board members, namely: Lyle Thompson, Shane Stepp, Gerald Bjork, Manley Olson and Walter Koecher.

Adopted this 15th day of April, 2004.