

**GLENWOOD TOWNSHIP
POPE COUNTY, MINNESOTA
Ordinance No. 05122026b**

AN ORDINANCE REGULATING DRIVEWAYS AND DRIVEWAY ACCESSSES

The Board of Supervisors of the Town of Glenwood ordains:

Section 1. Title. This Ordinance shall be known and cited as the Glenwood Township Driveway Ordinance and referred to herein as “this Ordinance.”

Section 2. Purpose. It is the purpose of this Ordinance is to establish reasonable regulations, requirements, and restrictions regarding the construction, reconstruction or resurfacing of driveway access onto Glenwood Township (“Town”) roads in order to protect the health, safety and welfare of Town residents, those traveling on town roads, and the general public. It is also the purpose of this ordinance to protect the cumulative investment the public has made to construct, maintain, and improve the town’s roads by requiring those undertaking construction, reconstruction or resurfacing projects in and near Town roads to obtain a permit from the Town and to be responsible for constructing, reconstructing or resurfacing such accesses to certain minimum specifications. Finally, this ordinance provides for the recovery by the Town of its actual expenses incurred related to such projects where reimbursement is required by this Ordinance.

Section 3. Driveway Access Permits. The construction, reconstruction or resurfacing of a driveway access onto a Town road shall require a driveway access permit from the Town. All driveway accesses constructed, reconstructed or resurfaced within a Town road right-of-way shall comply with the standards and requirements in this Ordinance and comply with all other applicable laws, rules, regulations and ordinances.

Section 4. Authority, Scope, and Violation. Pursuant to Minnesota Statutes, sections 160.18 and 160.2715, a permit is required from the applicable road authority before constructing, reconstructing, or resurfacing a driveway access to a public road right-of-way or installing a driveway headwall or drainage structure within a public road right-of-way.

This Ordinance applies to driveway accesses connecting to **Town roads**, as defined herein. The Town requires an owner to apply for and obtain a driveway access permit from the Town before constructing a new driveway access or reconstructing, that provides access to or from a Town road. A driveway access permit is required regardless of the intended use of the driveway access, including but not limited to residential, agricultural, commercial, or industrial uses.

This Ordinance also applies to work within **Town-held platted public road easements solely for the limited purpose of protecting drainage, culverts, ditches, and other stormwater conveyance features that affect Town-maintained roads or Town-owned infrastructure**. Nothing in this Ordinance shall be construed as an acceptance of any platted road for public travel or Town maintenance, nor as establishing such platted road easements as Town roads.

For the purposes of this Ordinance, reconstruction or resurfacing of a driveway access requiring a permit includes, but is not limited to:

- a) any alteration that increases or decreases the vertical profile or width of the driveway access;
- b) any alteration to drainage, including raising, lowering, changing the diameter of, removing, blocking, or replacing an existing culvert or drainage structure; or
- c) a change in use or intensity of use of the property that results in a significant increase in the volume, frequency, or type of vehicular traffic using the driveway access.

The owner shall pay the required permit application and inspection fees, reimburse the Town for actual engineering review costs if required, and shall be responsible for all costs associated with constructing, reconstructing, or resurfacing the driveway access, including obtaining and installing any culvert or drainage structure required by the Town.

If a driveway access connects to a **county highway or a state trunk highway**, a separate permit from the applicable road authority is required. **The Town does not issue driveway access permits for county highways or state trunk highways, and approval under this Ordinance does not substitute for any required permit from Pope County or the Minnesota Department of Transportation.**

The restrictions contained in this Ordinance that apply within a Town road right-of-way are in addition to the prohibitions contained in Minnesota Statutes, sections 160.2715 and 609.74, and any other applicable law. Failure to install or maintain a driveway access in accordance with this Ordinance or the conditions of an issued permit constitutes a violation of this Ordinance and of the applicable statutory provisions.

Section 5. Definitions. For the purposes of this ordinance, the following terms shall have the meaning given them in this section.

- a) **Access or Access Drive** – A constructed entrance or connection providing vehicular access between private property and a public road right-of-way. The term includes driveway accesses, driveway approaches, agricultural field entrances, and agricultural feed entrances.
- b) **Agricultural Field Entrance** – A driveway access serving cropland or pasture that is primarily used for seasonal or intermittent access by agricultural equipment and is not intended to serve a residence or commercial operation.
- c) **Agricultural Feed Entrance** – A driveway access primarily intended to serve agricultural operations, including but not limited to access for farm equipment, feed delivery trucks, grain trucks, livestock trailers, and similar vehicles customarily associated with agricultural use. An agricultural feed entrance is not intended for residential passenger vehicle access.
- d) **Applicant** – A person who requests or installs a driveway access in accordance with this Ordinance.
- e) **Change in Use or Intensity of Use** – A change in the type, frequency, or volume of vehicular traffic using a driveway access, including but not limited to conversion from residential to commercial use, expansion of an existing use, or an increase in heavy vehicle traffic, as determined by the Town.
- f) **Culvert** – A pipe, conduit, or structure installed beneath a driveway access to convey surface water or drainage flows from one side of the right-of-way to the other.
- g) **Driveway** – A private road, drive, or way constructed for use by motor vehicles to provide access from a public road to a parking or loading area on private property. The term includes the entire length of the drive on the property, including the portion of the drive located within the public right-of-way.
- h) **Driveway Access** – The portion of a driveway located within a public right-of-way that serves to connect the driveway on private property to the surface of a public road. The term includes driveway approaches and access drives.
- i) **Engineer or Township Engineer** – A professional engineer licensed in the State of Minnesota and retained or designated by the Town to review driveway access applications, drainage, safety conditions, or engineering standards under this Ordinance.
- j) **Public Road** – Any roadway open to public travel, including Town roads, county highways, and state trunk highways, regardless of maintenance authority.

- k) **Right-of-Way** – The entire area of a public road in which the road authority has an interest, including but not limited to the traveled surface, shoulders, ditches, backslopes, and all areas beyond such improvements to the limits of the easement or ownership interest.
- l) **Road Authority** – The governmental entity having jurisdiction over the construction, maintenance, and permitting of a public road, including the Town, Pope County, or the Minnesota Department of Transportation, as applicable.
- m) **Town** – Glenwood Township, Pope County, Minnesota.
- n) **Town Board** – The Board of Supervisors of Glenwood Township, Pope County, Minnesota.
- o) **Town Road** – A public roadway right-of-way that is regularly maintained by the Town as part of its system of Town-maintained roads, including platted roads and cartways that have been accepted for public maintenance and minimum-maintenance roads.

Terms not defined herein shall be interpreted consistently with their plain meaning and, where applicable, with Minnesota Statutes and Minnesota Department of Transportation guidance.

Section 6. Application Procedures. A request for a driveway access permit to access a Town road must be on the application form approved by the Town and submitted with the required permit fees in accordance with the following:

- (a) The Applicant shall provide all information required in the application form including, but not limited to:
 - (1) Whether the driveway access is intended for primarily a residential, agricultural, commercial, or industrial use;
 - (2) Whether required Pope County permits have been obtained;
 - (3) A sketch showing (1) the location of all current driveway accesses, (2) the location of the proposed driveway access, along with its width and distance from the side property lines and right-of-way intersections, and (3) A description of any proposed culverts or other drainage structures; and
 - (4) The legal description of the property to be served by the driveway access.
- (b) The Applicant shall provide to the Town a nonrefundable permit application fee to reimburse the Town's inspection costs. The Town Board shall establish the amount of the permit application fee.
- (c) The Applicant shall place stakes at each end and at each corner of the desired access showing its proposed location and width.
- (d) An inspection will be conducted of the proposed driveway access. If the inspector determines that review by an engineer is required, the applicant shall be required to reimburse the Town the actual costs it incurs related to the engineer's review. The requirement to reimburse the Town for its costs for the engineer's review is a condition of issuing the permit and failure to fully reimburse the Town is a violation of the permit and of this Ordinance. Any specific requirements, conditions, or restrictions identified by the engineer during the review shall be incorporated in and made part of the driveway access permit.

- (e) No work on the driveway access shall occur until the driveway access permit has been issued. The driveway access and associated drainage structures must be constructed in accordance with the standards contained in this Ordinance and any specific requirements, conditions, or restrictions set out in the permit and in the engineer's report (if issued). The engineer's report is automatically incorporated in and made part of the driveway access permit issued by the Town.
- (f) A change, or proposed change, in use of a property that results in a significant increase in the use, or intensity of the use, of an existing driveway access requires a new driveway access permit from the Town. The permit may require reconstruction of the driveway access in order to adequately accommodate the increased use.

Section 7. Standards. The construction or modification of a driveway access shall comply with the requirements set forth in this Ordinance and any specific requirements or conditions imposed by the Town Board for the driveway access.

- (a) Width Requirements. The hard surface of the driveway access shall be no more than 12-24 feet for Residential, 24-36 feet for Agricultural Field Entrance, or 24-36 feet for Commercial/Industrial (or as approved by Township Engineer), measured where the driveway meets the right-of-way. The permitted width of a driveway access shall be established in the permit issued for the driveway access. The driveway access must be able to reasonably accommodate the type of vehicles anticipated to use the particular driveway access based on the primary use of the property.
- (b) Vertical Clearance. The area above the driveway access shall be clear of tree branches and other obstructions in order to achieve a vertical clearance of at least 14 feet and such vertical clearance shall be maintained in order to allow access by emergency vehicles.
- (c) Setbacks. No driveway access shall be placed within any of the following setback distances. Additional corner clearance may be required in the sole discretion of the Town based on the presence of a bus stop, turning lane(s), a skew or complex intersection, atypically wide intersection, heavily traveled roadways or other conditions that reasonably require a further setback distance. Common or shared driveway accesses are exempt from the side lot line setback requirement. The setback from an intersection shall be measured from the closest edge of the intersection right-of-way.

Setback From:	Setback Distance
Another Driveway access	Spacing between driveways and clearance from intersections shall be established by the Town Engineer based on MnDOT's Access Management guidance to meet sight-distance and corridor safety ('best-fit').
Right-of-Way Intersection	80 feet
Side Lot Line	20 feet

- (d) Driveway Access Angle and Location. Driveways should be perpendicular to the roadway where

feasible; other angles may be approved by the Town Board where safety and sight-distance are met. The driveway access angle is measured as the angle between the driveway centerline and the edge of the surface of the road. In the event an existing driveway access is located on the opposite side of the right-of-way, the proposed driveway access shall be directly across from the existing driveway access, to the extent possible.

- (e) Driveway Headwalls and Other Obstructions. The sides of a driveway access within the Town road right-of-way used to support its surface, commonly referred to as headwalls, shall be constructed so as not to create an unreasonable hazard to vehicles leaving the traveled roadway and so as not to interfere with drainage or maintenance of the right-of-way. Driveway headwalls erected or reconstructed within the right-of-way shall have a slope no steeper than four (4) feet horizontal to one (1) foot vertical unless otherwise approved by the Town based on site-specific conditions or engineering review. Foreslopes and backslopes within the right-of-way shall be no steeper than three (3) feet horizontal to one (1) foot vertical unless otherwise approved.
- (f) Height and Obstruction Limits. Except as otherwise provided in this Ordinance, no materials, structures, or objects may be placed on or along a driveway access within the Town road right-of-way that interfere with drainage, maintenance, or the safe recovery of vehicles, or that extend more than one (1) foot above the finished surface of the driveway access. This height limitation does not apply to compliant mailbox supports installed in accordance with Minnesota Statutes, section 169.072, and Minnesota Rules, chapter 8818.
- (g) Drainage. Drainage along the town road shall be maintained at all times. No driveway access shall be constructed, expanded, altered, or maintained such that it interferes with the drainage of water within a ditch or along a curb and gutter, and driveway accesses shall be graded in a manner that prevents the drainage of water onto a public right-of-way and ensures that the drainage of water is routed to the ditch area. A culvert shall be required for a driveway access when determined to be necessary by the Town Board. Minimum culvert diameter 15 inches (or engineer-sized by hydraulics); end treatments per MnDOT safety/apron guidance. The culvert shall be a corrugated metal pipe (CMP), dual wall high density polyethylene, dual wall polypropylene, reinforced concrete pipe (RCP), or other material approved by the Town Board that is designed for such use. Culverts shall have a minimum of 12 inches of cover, excluding aggregate base and surfacing materials. The culvert shall extend at least 2 feet beyond the edges of the driveway surface, *have wings, and shall have adequate length to achieve a 4:1 slope or flatter.* Installation shall be in accordance with standards established by the Minnesota Department of Transportation.
- (h) Construction and Maintenance of Drainage Structures. The owner or occupant of land is responsible for constructing and maintaining the drainage structures installed in or associated with a driveway access including, but not limited to, keeping culverts free of dirt and debris, repairing, and replacing drainage structures as needed so as not to not interfere with or obstruct the drainage of water along the right-of-way. If an owner or occupant fails to maintain, clean, repair, or replace a culvert or other drainage structure as needed to avoid obstructing drainage, the Town may undertake such work as may be needed and the owner of the property shall be responsible for fully reimbursing the Town for its costs. If the owner of the property fails to fully reimburse the Town for any of the Town's costs, the unreimbursed amount, together with collection costs, constitute a service charge that may be collected on the taxes of the owner's property as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Town.
- (i) Traffic Control and Utility Notification. Where work on the traveled road is necessary, traffic must be protected, and signing and proper barricades must be utilized pursuant to the Minnesota Manual of

Uniform Traffic Control Part 6 (Temporary Traffic Control). If any excavation is to take place, “Gopher State One Call” is to be notified at (800) 252-1166 prior to start of construction. Excavation must comply with Minn. Stat. Ch. 216D. The Applicant shall provide a valid GSOC ticket number before work and follow current timelines (updated Aug. 1, 2024).

- (j) **Mailboxes**. Mailboxes and mailbox support posts may be located within the Town road right-of-way in accordance with Minnesota Statutes, section 169.072, Minnesota Rules, chapter 8818, and applicable United States Postal Service standards. The Town shall not be responsible for damage to mailboxes or supports caused by snowplowing or maintenance activities within the right-of-way. Stone, masonry, or other non-breakaway mailbox supports are prohibited within the Town road right-of-way.
- (k) **General Standards**. When reviewing a permit application, the Town Board shall consider the safety of the traveling public, maintaining sufficient sight distances, avoiding interferences with road maintenance activities, preserving adequate road drainage, the number of driveway approaches serving a property and such other matters the Town Board determines are relevant under the facts of the particular application.

Section 8. Multiple Driveway Accesses. No more than one driveway access to a lot shall be permitted, except upon approval of the Town Board. A request for an additional driveway approach shall not be approved unless the owner demonstrates, to the Town Board’s satisfaction, a specific need for an additional driveway access and that the additional driveway approach can be placed and constructed in such a way as to not unreasonably interfere with the safe use or maintenance of the right-of-way.

Section 9. Unsafe Driveway Accesses. Any driveway access within a town road right-of-way that creates a safety hazard for the traveling public, or unreasonably interferes with the use, maintenance, or drainage of the road, is hereby declared a public nuisance and is prohibited. The Town may issue one or more written orders requiring the owner or occupant of the property, or both, to take such actions as the Town determines are needed to eliminate or otherwise correct the nuisance condition. If the owner or occupant fails to promptly correct the condition as directed, or if the condition creates an eminent safety hazard requiring immediate action, the Town may take action to eliminate the nuisance condition. The owner shall be required to fully reimburse the Town for all costs it incurs to correct the condition and if the owner fails to fully reimburse the Town, the unreimbursed amount, together with collection costs, shall constitute a service charge that may be collected on the taxes of the owner’s property as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Town.

Section 10. Surfacing. Driveway access hard surfacing shall extend from the driveway approach within the right of-way onto the driveway within the private property as needed to prevent eroded materials from running into the right-of-way. Gravel surfaced driveway accesses shall be a minimum of six (6) inches class 5 aggregate. Bituminous surfaced driveway accesses shall be a minimum of three (3) inches bituminous over six (6) inches class 5 aggregate base.

Section 11. Construction. The construction, reconstruction or resurfacing of a driveway access must not interfere with the maintenance or safe use of the town road. No materials shall be dumped or stockpiled on the surface of the road, on the shoulder, or within the right-of-way outside of the permitted location for the driveway access. Upon the completion of construction, the right-of-way must be cleared of any excess materials and any dirt or other materials shall be removed from the surface of the road. Unless stated otherwise, all construction activities, right-of-way restoration, and clean up shall be completed within six (6) months from issuance of the driveway access permit.

An inspection will be conducted by the Town of the completed driveway access. Unless stated otherwise, all construction activities, right-of-way restoration, and clean up shall be completed within six (6) months from issuance of the driveway access permit. If all construction activities, right-of-way restoration and clean up are not completed within six (6) months from the issuance of the driveway access permit, the permit shall be considered null and void and the permit fee is forfeited. The final approval of the construction or reconstruction shall be issued by the Town.

Section 12. Restoration. Any part of the right-of-way disturbed during construction of a driveway access, or the installation of drainage facilities, shall be restored by the applicant to its pre-construction or pre-installation condition. Such restoration shall include, but not be limited to, grading, seeding, and landscaping as needed to fully restore the right-of-way and prevent erosion. Only natural netting blanket is allowed within the Town right of-way and both temporary seed and perennial ditch grass mix shall be used in accordance with supplier application rates. Slope shall be no flatter than 4 to 1 (horizontal to vertical).

Section 13. Waivers. An Applicant for a driveway access may request the Town Board grant a waiver of one or more of the standards or requirements of this ordinance. No waiver will be granted unless the Applicant can demonstrate, to the satisfaction of the Town Board, that there are extenuating circumstances necessitating the deviation and that granting the waiver will facilitate the safe and efficient use of the property and will not interfere with the construction, maintenance, and safe use of the road and its appurtenances. A waiver must be in writing and approved by the Town Board at a meeting.

Section 14. Recovering Costs. If the owner or Applicant fails to fully reimburse the Town for any of the Town's costs required to be reimbursed in this ordinance, the unreimbursed amount, together with collection costs, constitute a service charge that may be collected on the taxes of the owner's property as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Town.

Section 15. Indemnification. The Applicant, their successors and assigns, as a condition precedent to obtaining permit approval, agree to release the Town, its officers and agents, from any and all liability and claims concerning the permit request, driveway and driveway access construction, and the finished driveway or driveway access. The Applicant, their successors and assigns, as a condition precedent to obtaining permit approval, agree to hold harmless, indemnify and defend the Town, its officers and agents, from any and all liability and claims concerning the above described permit request, the construction of the subject driveway or driveway access, and the finished driveway or driveway access. The Town shall have no responsibility to repair a driveway that encroaches upon a right-of-way that is damaged during the course of Town maintenance of the road.

Section 16. Delegation. The Town Board may delegate authority to administer and enforce all or any aspect of this ordinance to one or more supervisors, employees, contractors or agents as it deems appropriate.

Section 17. Repealer. Any previous ordinance or regulation adopted by the Town Board regarding the same matters are hereby repealed and replaced by this Ordinance and are hereby repealed as of the effective date of this Ordinance. If a conflict exists, the Township Road 'Specifications' adopted by Board resolution (as amended) control.

Section 18. Severability. If any portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 19. Abatement of Violations.

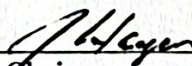
- (a) Any violation of this Ordinance which the Town, in its sole discretion, determines to be an immediate safety hazard, may, without notice or liability for damages, be abated and/or removed by the Town.
- (b) A violation of this Ordinance which the Town does not determine to be an immediate safety hazard may be abated or removed by the Town without liability for damages after: (i) written notice of violation is served on the person responsible for the obstruction, which includes the corrective action required and notice that the Town may abate or remove the obstruction at the person's expense in accordance with this Ordinance if the person does not do so within the time specified in the notice, and (ii) the person responsible for the obstruction fails to abate or remove the obstruction within the time specified in the notice.

Section 20. Violation and Penalty. Any person who violates, or fails to comply with, a provision of this ordinance, knowingly makes a false statement in any document required to be submitted under the provision hereof, or that violates a condition of a permit issued, shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine and/or imprisonment as authorized by law for the punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

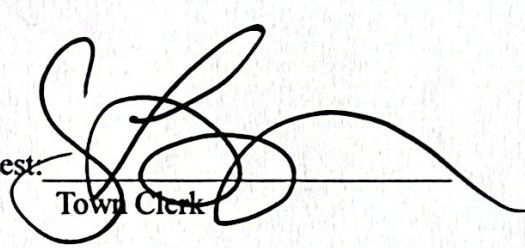
In the event of a violation of this ordinance, the Town Board, in addition to the other remedies, may revoke the applicable permit and may institute appropriate criminal and/or civil actions or proceedings to prevent, restrain, correct or abate such violations. Criminal prosecution of a violation shall not bar the Town from also pursuing a civil remedy, just as pursuit of a civil remedy does not bar criminal prosecution of a violation.

This ordinance is hereby adopted on the 12 day of May 2026 and shall be effective upon the first day of publication.

BY THE TOWN BOARD


Town Chairperson

Attest:


Town Clerk