

STATE OF MINNESOTA

COUNTY OF OLMSTED

TOWN OF MARION

AMENDED ACCESS DRIVEWAY ORDINANCE  
MARION TOWNSHIP ORDINANCE NO. 2023-8

WHEREAS, damage has been done and is continuing to be done to Marion Township roads by construction work being done where there is no driveway access into the lot, and

WHEREAS, the Town of Marion wishes to take steps to protect the Township roads during construction.

Under the authority provided in Minnesota Statutes Section 368.01, Subd. 3, THE BOARD OF SUPERVISORS OF THE TOWN OF MARION ORDAINS:

1. Permit Required. An Access Driveway Permit issued by the Marion Township Board of Supervisors shall be required for any construction, reconstruction, relocation or alteration, including the widening of an existing Access Driveway and changes to an existing culvert such as lengthening or replacement of an Access Driveway to or otherwise within the right-of-way of any township road, or where a change of use is proposed for a property with an Access Driveway to a township road right-of-way.
2. No Work Without Permit. No work for which an Access Driveway Permit is required shall be conducted until a permit application is approved and the Access Driveway Permit is issued.
3. Application. The Access Driveway Permit application shall be drafted by the owner of the property with the access Driveway or their designee and shall generally provide information as to the description and location of the property and of the Access Driveway to be constructed and shall also provide for such deposits as may be required to cover costs involved in said approved Access Driveway Permit substantially as provided in the attached Exhibit A.
4. Permit Issuance. The Access Driveway Permit shall be issued by the Chairperson of the Board of Supervisors or, in the absence of the Chairperson, by such supervisor as may be previously

designated by the Town Board, upon said Chairperson or designated supervisor's satisfaction that the application conforms with the requirements of this Ordinance.

5. Access Driveway Requirements. No Access Driveway Permit shall issue unless the Chairperson or designated supervisor is satisfied that the application is complete and complies with the following requirements:

- a. Angle of Approach. To the extent feasible, Access Driveways shall meet the township road at an angle perpendicular to the centerline of the township road. In the case of a residential Access Driveway, the Access Driveway shall continue straight along such perpendicular line for not less than twenty (20) feet from the edge of the township road. In the case of a commercial Access Driveway, the Access Driveway shall continue straight along such perpendicular line for not less than fifty (50) feet from the edge of the township road.
- b. Grade of Approach. At the point of connection to the township road, Access Driveways shall be level with or below the grade of the finished edge of the township road.
- c. Width. In the case of a residential Access Driveway, the Access Driveway shall be no more than twenty-four feet wide. In the case of a commercial Access Driveway, the Access Driveway shall be no more than thirty-two feet wide. Provided, however, that with respect to both residential and commercial Access Driveway, the point of Driveway with the township may include an apron, each edge of which shall be defined by a circle having a radius of twenty feet, which circle shall be tangential to both the edge of the township road and the edge of the Access Driveway.
- d. Culverts. All culverts shall be constructed of new corrugated metal pipe, having a minimum diameter of eighteen inches. The use of PVC, HDPE, or used culvert materials is prohibited. The use of headwalls is prohibited.

- e. Grading. All side slopes of the Access Driveway shall be graded uniformly over their entire length to a slope of 4:1 or flatter, and effective erosion control materials and techniques shall be applied to such slopes.
- f. Cleanup and Restoration. Upon the completion of the installation of the Access Driveway, the right of way for the township road shall be restored to its prior condition. Restoration shall include, without limitation, the removal of all construction material, debris, or other materials located within the right of way other than those installed permanently as elements of the Access Driveway, and the re-planting of all vegetation disturbed by the installation.
- g. Removal of Defunct Access Driveways. When, due to a change of use, the construction of a new Access Driveway, or the relocation of an existing Access Driveway, a new Access Driveway is permitted and such permit does not include permission for a pre-existing Access Driveway to be continued, the Applicant shall remove such pre-existing Access Driveway and shall grade and landscape the land within the Township Road right of way to conform with adjacent land within such right of way.

6. Construction of Access Driveway. Work shall be completed consistent with the issued Access Driveway Permit and shall be subject to the inspection and approval of the Town Board or its designee. It shall be a violation of this Ordinance to construct an access Driveway in any manner that does not comply with the permit and this Ordinance.

7. Duration of Permit Approval. If an approved Access Driveway has not been constructed within one year after the issuance of an Access Driveway Permit, such permit shall be null and void unless a written request for an extension of time to complete construction of the Access Driveway Permit has been submitted to the Town Board of Supervisors and such extension of time has been granted by the Town Board of Supervisors. A written request for such extension of time shall be

submitted to the Town Board no less than thirty (30) days prior to the expiration of the then-current Access Driveway Permit. The request for extension shall identify the reasons the Access Driveway was not completed, and the Town Board shall approve the request if it determines that the stated facts demonstrate that the applicant made a good-faith effort to complete the Access Driveway.

8. Costs. The applicant for an Access Driveway Permit shall be responsible for all costs relating to the construction of the Access Driveway including, without limitation, the cost of applying for the Access Driveway Permit, the cost of construction of the Access Driveway, installation of any required culvert, grading, and any other work required by the permit. The owner of the property on which the Access Driveway is constructed shall be responsible for the cost of maintaining all the Access Driveway and all approaches, culverts and other improvements relating to the Access Driveway.

9. Penalties. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding the maximum limit established by Minnesota Statutes for the punishment of misdemeanors or imprisonment in the Olmsted County Jail for a period not exceeding 90 days. Each day's violation shall be a separate offense. The costs incurred by the Town of Marion, including attorney's fees in prosecuting violations of this Ordinance, shall be added to the sentence of any person determined to be guilty for a violation of this Ordinance.

This Ordinance amends and replaces in its entirety Marion Township Ordinance No. 2023-4.

Exhibit A

APPLICATION FOR ACCESS DRIVEWAY PERMIT

MARION TOWNSHIP PERMIT NO. \_\_\_\_\_

Print or type application. Fill out in duplicate, sign and mail to Janet Hoffmann, Clerk, Marion Township, 2850 Oakview Court Southeast, Rochester, Minnesota 55904, (Telephone 507-288-6834), or at [ghoffmann17@gmail.com](mailto:ghoffmann17@gmail.com).

Attach to both copies a sketch of the property, present and proposed Access Driveways and relation to Township road. Such sketches shall be drawn to scale when required by the Town Board.

Name of Applicant: \_\_\_\_\_ Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_ Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Location of proposed Access Driveway:

Road \_\_\_\_\_ Miles N-S-E-W of \_\_\_\_\_  
(Circle One) (Specific road, landmark, or  
Road intersection)

Legal Description of Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purpose of Access Driveway: \_\_\_\_\_ Residence \_\_\_\_\_ Field Entrance \_\_\_\_\_ Commercial  
(Specify type) \_\_\_\_\_

Is a Building to be Constructed \_\_\_\_\_ No \_\_\_\_\_ Yes What Kind \_\_\_\_\_  
or \_\_\_\_\_ Unplatted Area

Distance from center of road to front of building is \_\_\_\_\_ feet

Date Proposed Access Driveway is needed: \_\_\_\_\_

Is land higher? \_\_\_\_\_ lower? \_\_\_\_\_ or level? \_\_\_\_\_ with road  
(show feet & inches) (show feet & inches)

No. of Present Access Driveway to Property:

\_\_\_\_\_

Give Exact Location of Present Access Driveway to Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant applies for permission to construct an Access Driveway at the above location. Said Access Driveway shall be constructed to conform with the regulations of the Olmsted County Department of Highways as adopted by reference by Marion Township and to any special provisions included in Marion Township Ordinance No. 2023-8 or in this permit. All work shall be done to the satisfaction of the Town Board. Any culvert shall be a corrugated metal pipe with a minimum diameter of 18". Headwalls are not permitted for any culvert in Township right-of-way. Aprons are required for all culverts. Applicant's grading around the culvert shall not exceed a 4:1 slope. Any culvert with corresponding aprons required shall be provided to Applicant by the Township with Applicant paying the Township's actual cost, plus a \$250.00 administrative fee; provided, that Applicant may use their own culvert and/or aprons subject to prior approval of culvert by Town Board before installation. It is further agreed that no work in connection with this Application shall be commenced until the Application is approved and the permit issued. This permit is conditioned upon the replacement or restoration of the Town's road to its original or to a satisfactory condition as determined by the Town Board; provided further that the access Driveway as installed shall be blended with the Township road and be no higher than the roadway elevation where the access Driveway meets the Town's road.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

**DO NOT WRITE BELOW THIS LINE**

**FOR TOWNSHIP USE ONLY**

No Deposit Required \_\_\_\_\_  
Deposit in the Amount of \$ \_\_\_\_\_ Required and Attached Hereto  
Cashier's check No. \_\_\_\_\_ or Certified Check \_\_\_\_\_  
This Deposit Made by \_\_\_\_\_ Applicant \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

Party Doing Work: \_\_\_\_\_  
Name Address

All work to be completed: \_\_\_\_\_ Applicant to furnish: \_\_\_\_\_  
(Date)

\_\_\_\_\_ culvert and \_\_\_\_\_ aprons.

Approval: \_\_\_\_\_  
(Date) Chairperson, Marion Town Board

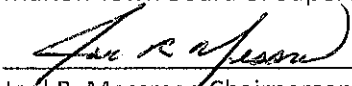
Approval of Marion Town Board of Supervisors required before a Building Permit can be issued.


Application completed and approved: \_\_\_\_\_  
(Date)

Marion Town Board of Supervisors By: \_\_\_\_\_

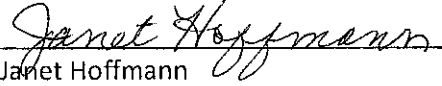
This Amended Access Driveway Ordinance is adopted by the Marion Town Board of Supervisors  
this 12<sup>th</sup> Day of December, 2023.

Marion Town Board of Supervisors

  
Joel R. Messmer, Chairperson

  
Roger Bjerke, Supervisor

  
John P. Schoenfelder, Supervisor

Attest:   
Janet Hoffmann  
Marion Town Clerk