

**ORDINANCE REGULATING THE USE AND SAFEGUARDING OF TOWN ROADWAYS, PROVIDING FOR PERMIT
APPLICATIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF
ORDINANCE NUMBER 3**

**STATE OF MINNESOTA
DRESBACH TOWNSHIP
WINONA COUNTY**

The Board of Supervisors of the Township of Dresbach hereby ordains that Dresbach Ordinance 3 is hereby deleted in its entirety and replaced with the following:

Section 1 – Definitions. Unless the context clearly indicates otherwise, the words, combination of words, terms and phrases used in this Ordinance shall have the meaning set forth in the following paragraphs:

1. **“Roadway”** shall mean a public road, street, highway or thoroughfare including the traveled portion, shoulder, ditches, banks and medians.
2. **“Vehicle”** shall mean any motorized or non-motorized device in, upon, or by which any person or property is or may be transported or drawn.

Section 2 – Prohibited activity. Where building permits and/or excavation permits are required by any governmental agency, and when the activity entails the use of trucks and/or heavy equipment, there shall be no vehicle of any type with a weight of seven (7) tons per axle, or more, involved with such activity allowed on any roadway located within Dresbach Township, unless a special permit has been obtained as provided in Section 3 of this Ordinance.

Section 3 – Permit application. An individual, corporation, or other business entity may apply to the Clerk for the Town of Dresbach for a special permit to operate a motor vehicle or operate equipment in excess of seven (7) tons per axle weight on any Town roadway when trucks and/or heavy equipment is used in instances where building permits and/or excavation permits are required. Regardless of who applies for the special use permit the owner of the property must sign the permit and shall be responsible for compliance with the permit and any damage caused. The Board of Supervisors for the Town of Dresbach are hereby authorized to set by Resolution a permit fee and/or a penalty for failure to obtain a permit. In addition, the applicant for such special use permit shall either post a bond in the sum of Three Thousand Dollars (\$3000.00), or deposit a cashier’s check with the Town of Dresbach for three (3) thousand dollars (\$3000.00), to cover potential damages to Town roadways. If the applicant has caused damage to the Town roadways the bond or cash deposit shall be utilized to return the Town roadway to their original condition. After the special permit has expired, and the roadway returned to its original condition, any cash amounts remaining from that paid by the applicant shall be returned to the applicant. If the applicant has caused damage in excess of the bond or cash deposit, the Town shall bill the applicant for the damages in excess of the bond or cash deposit. If said amount is not paid within sixty (60) days of notification to the applicant, the Town may levy an amount equal to the excess on the tax rolls for the property for which the initial building permits and/or excavation permits were issued.

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Section 4 – Additional restrictions. The Board of Supervisors for the Town of Dresbach shall retain the authority to place additional weight restrictions on any of the Town roadways during the Spring season, or any other time of the year when found necessary by the Supervisors for the Town of Dresbach. These additional restrictions would apply due to weather conditions, the thawing of the ground surface and construction affecting Town roadways. Town roadways, for the purpose of these additional restrictions, include but are not limited to the road surface, the shoulder of the roadway, grader ditches and the banks alongside the roadway. The Board of Supervisors has the authority to place restrictions on the roadways including the shoulders, grader ditches and banks as needed to protect the integrity and safety of the Towns roadways.

Section 5 – Responsibility for Damage. Failure to obtain and/or comply with a special use permit under this Ordinance is the responsibility of the owner of the property for which a building/excavation permit was required. If damage is caused to Town roadways or a special use permit is not obtained as required, the Town may collect all costs and/or impose a penalty against the property owner. If the property owner fails to pay the amount due within sixty (60) days of receipt of a bill, the Town may levy an amount equal to the billed amounts on the tax rolls for the property for which the initial building permits and/or excavation permits were required.

Section 6 – Penalty. The person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by penalty established in State statute for a misdemeanor, as may be amended from time to time.

Section 7 – Effective Date. This Ordinance shall take effect from and after its passage and publication according to law.

Passed by the Town Board of Dresbach this 1 day of December, 2020

In favor: Dave McCann, Nick Erdmann : Brant Amble

Opposed: N/A

Dresbach Township

Dave McCann

Dave McCann, Chairman

Kim Low

Kim Low, Clerk/Treasurer

