

Ordinance No. 85

CITY OF VERGAS
COUNTY OF OTTER TAIL
STATE OF MINNESOTA

AN ORDINANCE AMENDING ORDINANCE NO. 79 AN ORDINANCE TO REGULATE THE USE OF LAND, THE LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDING ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF VERGAS, MINNESOTA, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS, AND REPEALING ORDINANCE NO. 76.

WHEREAS, the City of Vergas, Minnesota, has in place a zoning ordinance entitled AN ORDINANCE REGULATING THE USE OF LAND, THE LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDING ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF VERGAS, MINNESOTA, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS, AND REPEALING ORDINANCE NO. 76.; and

WHEREAS, the City of Vergas, Minnesota, desires to amend its zoning ordinance to include regulation for the construction and use of culverts;

NOW THEREFORE, the City Council of the City of Vergas, Minnesota ordains that the following should be added to its zoning ordinance:

§ 151.32 CONSTRUCTION AND USE OF CULVERTS

(A) *Construction Standards.* Any person wishing to construct a driveway over an existing ditch or replace an existing culvert must install a culvert with a minimum circumference of 15 inches. The maximum length of the culvert shall not exceed 24 feet for a single driveway for any lots containing or planned to contain a one-family dwelling. The maximum length of the culvert for all other lots will be determined by the City Council based upon the requirements relating to the type of ingress and egress needed, the frequency and type of traffic anticipated to be traveling over and across the culvert, and the structural integrity of the proposed culvert and driveway. All culverts must be installed at such an angle, depth, and location as to facilitate the free flow of water through the culvert.

(B) *Permit Required.* Before installing a new culvert or replacing an existing culvert, the property owner must obtain a construction permit from the City Clerk. The application shall contain a plan showing the location of the culvert, ditch, and driveway in relation to any other structures, boundary lines, and rights-of-way. The application shall contain a plan for the culvert that demonstrates the culvert will meet all of the construction standards of this section. No contractor who is required to be licensed by the State and no person employing a contractor who is required to be licensed shall be issued a building permit unless that contractor is licensed.

(C) *Exception from Building Permit Requirements.* A separate building permit for the installation or replacement of a culvert is not necessary if a current building permit has been issued for another construction project for the same property, the plans for which include detailed plans satisfying the requirements of §151.32(B) for the installation or replacement of the culvert.

(D) *Setback Requirements.* The setback requirements provided in §§ 151.20 to 151.26 shall not apply to culverts. Culverts may be installed anywhere within the boundary lines of the property, provided the culvert does not impede traffic or pose a safety risk along adjacent right-of-ways and otherwise satisfies the construction standards of this section.

(E) *Maintenance and Repair.* The property owner shall be solely responsible for maintaining the culvert, repairing the culvert, and ensuring the culvert is free from debris, rocks, garbage, or other materials that impede the drainage of water through the culvert.

(F) *Nuisance.* Failure to maintain a culvert in a condition that allows for the free flow of water through the culvert shall be a public nuisance under Chapter 92. The nuisance may be abated following the procedures provided in §§ 92.93 and 92.94.

This ordinance shall be codified in the Code of Ordinances of the City of Vegas as “§ 151.32 CONSTRUCTION AND USE OF CULVERTS.”