

CITY OF VERGAS
COUNTY OF OTTER TAIL
STATE OF MINNESOTA

AN ORDINANCE AMENDING ORDINANCE NO. 85; 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, REPEALING ORDINANCE NO. 79.

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 BUILDINGS 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. 79.; and

WHEREAS, the City of Vergas, Minnesota, desires to amend its zoning ordinance to include regulation GOVERNING PRIVATE AND PUBLIC DRIVEWAY ROAD APPROACHES TO CITY OF VERGAS ROADS.

151.321 PURPOSE AND INTENT

The City of Vergas, pursuant to authority granted under Minnesota Statutes, Chapters 160, 164, and 462, enacts the following rules and regulations for the purpose of protecting health, safety and welfare of the citizens in the City of Vergas by governing and providing standards for private and public driveway entrances which enter onto City of Vergas public road system. This ordinance puts forth those standards for driveway approaches with the public safety and welfare in mind.

A.322 GENERAL PROVISIONS AND CONDITIONS DESIGN

- (A) The following standards shall apply when considering a driveway entrance onto an existing City road:
- (B) A driveway shall intersect the City road at a right angle. Width and spacing of residential and commercial driveways shall conform to current City Engineering Standards (see Appendix A).
- (C) Mailboxes and support posts may be located within the City road right-of-way. However, the City is not responsible for damage to mailboxes or posts during road maintenance or snow plowing unless they are installed according to City Standards (see Appendix B).

151.323 CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS

The following rules will apply to construction and maintenance of driveway entrances onto existing City road:

- (A) All work done on City road right-of-way is subject to approval by the City Road Authority or the City's duly authorized representatives. All culverts shall conform to standards specified in the current City Engineering Standards.
- (B) No driveway entrance shall cross a wetland unless a wetland permit has been obtained in advance from the Otter Tail County Soil & Water Conservation District.
- (C) Proper and adequate drainage facilities shall be provided as required by the City. Modifications to the present ditch system may not be done without prior City approval. Approved culverts shall be furnished and paid for by the applicant. Applicant shall also be responsible for arranging the delivery of the culvert. No obstructions which would be likely to create a traffic or safety hazard shall be constructed or planted in the City right-of-way without prior approval of the City. Obstructions include but are not limited to the following: retaining structures, posts, trees, shrubs, and other such items. Property owners are hereby notified that the City may remove any such obstruction at any time, without prior notice and that the City may access all costs related to the removal against affected property, as well as pursue any other legal remedies available against the offending property owner.
- (D) The driveway must be constructed with, at a minimum, four to six inches (4 to 6 inches) of class 5 aggregate or approval of equal (i.e. pavement, concrete driveway, etc.) In the event that a temporary driveway is used for access to the property, the City may require additional aggregate or material to be used to reinforce the driveway at its intersection with a public road if the City determines that use of the temporary driveway as constructed is causing damage to the roadway.
- (E) No foreign material such as dirt, gravel, clumps of clay, mud, sand, soil washings, building materials or bituminous materials shall be left or deposited on the City road during construction of driveway or installation of drainage facilities. Failure to clean up such dirt & debris or any damage to the roadway, or portions of the right-of-way due to driveway related construction, may result in City pursuing other legal remedies available against the offending property owner.

151.324 REQUIREMENTS

- (A) A driveway entrance permit shall be required prior to the construction, relocation or alteration of any driveway or culvert within a presently existing City road easement or right-of-way, including those right-of-ways that have been dedicated but not formally accepted by the City.
- (B) The following activities are exempt from requirement of a Vergas Planning Commission driveway entrance permit: regular maintenance of an existing driveway (including grading, paving or other minor repairs not affecting drainage or the aggregate base), driveway construction or relocation of a driveway within a county, state or federal right-of-way or connecting with a private road.
- (C) The permit application shall be in writing on a form provided by the City Clerk and shall be accompanied by a permit fee, as set from time to time by resolution of the City Council. The

application must include a drawn plan detailing the location and pertinent dimensions of the proposed driveway installation or relocation. The permit application must be signed by the landowner of the lot where the driveway is to be installed, but may be applied for and issued to a contractor or other designated representative of the landowner. Permit applications shall be submitted to the City Clerk.

- (D) No driveway entrance permit shall be issued unless and until such permit application is reviewed and approved in writing by the Planning Commission or its designated representative. Prior to issuing a permit, the Utilities Superintendent may in their discretion require a review and written comments regarding said application .

151.325 INSPECTION PRIOR TO CONSTRUCTION

- (A) Upon receipt of application, the driveway entrance location will be inspected to determine culvert requirements.
- (B) If the driveway location is satisfactory and no culvert is required, the approval notice will indicate said fact.
- (C) When work on driveway approach is commenced, traffic on the City road must be protected, and flags and/or proper barricades must be placed in accordance with the most current edition of the standards used in the Minnesota Manual on Uniform Traffic Control Devices.

151.326 FINAL INSPECTION

- (A) Upon completion of the driveway approach and/or culvert installation, including turf restoration, (or at a more appropriate time as determined by the City) the approach shall receive a final inspection by the city.
- (B) The time of final inspection may be delayed for a reasonable period of time if the City determines that it is likely that heavy construction activity is likely to occur immediately after driveway construction, which could materially affect the driveway or damage City roads.
- (C) If construction of the driveway approach does not pass final inspection, the City shall notify the landowner of the deficiencies and require that they be addressed within a specified time period, in accordance with Section 3 of this ordinance.

151.327 ENFORCEMENT OF ORDINANCE

CITY COUNCIL

The City Council, Planning Commission and Utility Superintendent shall enforce this ordinance.

- (A) **ENFORCEMENT**

The duly authorized representative shall institute appropriate action for any violations of this ordinance at the direction of the Planning Commission and through the City Council, as deemed necessary.

(B) WRITTEN NOTICE

Whenever the City Council or the Planning Commission (i.e. Utility Superintendent) determines that a violation has occurred or exists on property within the City, the owner or occupant of such property shall be notified of the fact in writing. The notice shall be served in person or by certified or registered mail. If the property is not occupied and the ownership of the property cannot be ascertained, or in the event that the personal service cannot be made, or certified or registered mail is returned, noticed is deemed served when posted on the property or deposited in the U.S. Mail.

(C) THIRTY DAYS NOTICE

A written notice shall specify the violation and steps required to correct said violation and the time, not to exceed thirty days (30 days) within which the corrections must be completed. If the violation is not corrected, then the city may take actions necessary to bring the violation into compliance and seek redress.

(D) APPEALS

A person served with a written notice may appeal to the Planning Commission for a hearing. A hearing notice shall be given at least ten days (10 days) prior to the date of the hearing before the City Council and will be served in the manner as described above. In order to expedite matters, the City may at its discretion, include notice of the aforementioned hearing in the original notice of violation.

(E) HEARING

If after conducting a hearing on the matter the Planning Commission determines that correction of the violation is necessary to protect the public health, safety and welfare, then the City may correct the violation, or cause the same to occur, in any manner and using any method that it finds appropriate.

(F) PROSECUTION

Any person who violates a Section, Subdivision, paragraph, or provision of this shall be subject to prosecution. Each day of the non-compliance with any terms of this ordinance shall be considered a separate violation and a separate criminal act

PENALTIES

151.327 PENALTY

See § 92.99

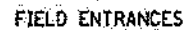
Adopted this _____ day of _____, 2023

ATTEST:

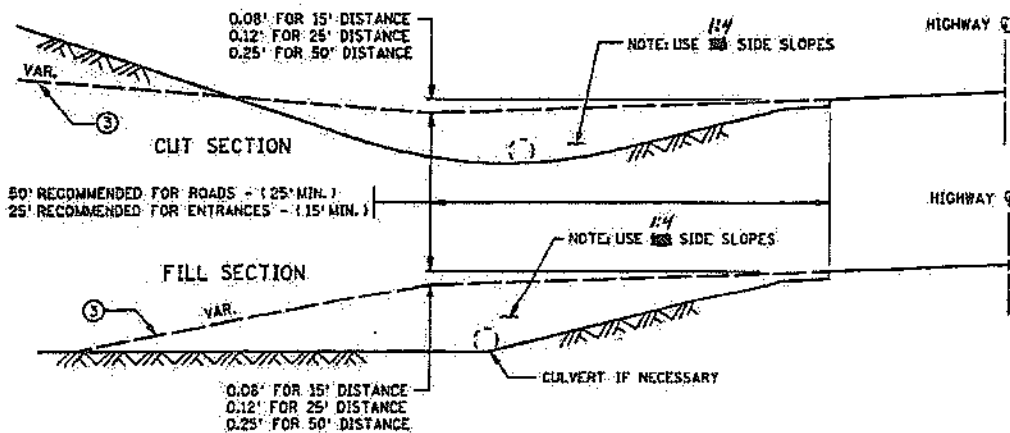
Julie Bruhn, Mayor

Julie Lammers, Clerk-Treasurer

APENDIX A
CITY OF VERGAS
ENGINEERING STANDARDS
DRIVEWAYS and APPROACHES



- ① SURFACING TO MATCH EXISTING CONDITIONS, WHERE THERE IS NO SURFACING. PLACE GRAVEL BEYOND BITUMINOUS SURFACING TO R/W LINE.
- ② PLACE 2 FT. WIDE BITUMINOUS SURFACING AS DIRECTED BY ENGINEER.
- ③ 8% MAXIMUM COMMERCIAL, 15% MAXIMUM RESIDENTIAL.
- ④ THE USE OF PAVING SIMILAR TO COMMERCIAL ENTRANCES MAY BE APPROPRIATE FOR SOME RESIDENCES, AS SHOWN IN PLANS OR DIRECTED BY THE ENGINEER.



CROSS SECTIONS

APPROVED: NOVEMBER 1, 2000

Delbert W. Jones
STATE DESIGN ENGINEER

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

APPROACHES AND ENTRANCES

**SPECIFICATION
REFERENCE**

REVISED
5-19-2001 A.K.J.

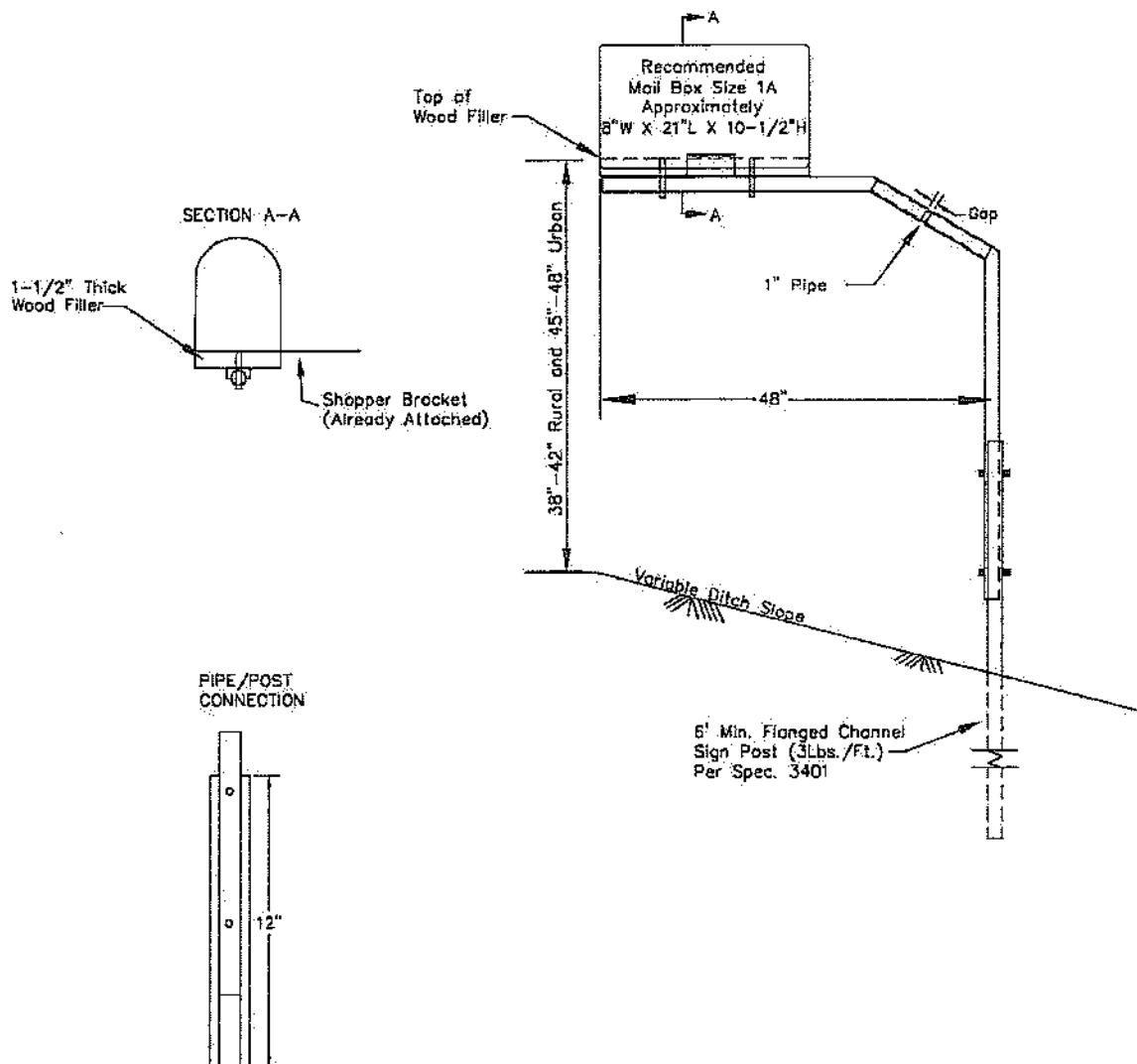
STANDARD
PLATE
NO.

9000D

**APENDIX B
CITY OF VERGAS
DESIGN GUIDELINES
MAILBOXES**

MAILBOX SUPPORT WITH ATTACHED SHOPPER BRACKET

STEEL PIPE WITH FITTINGS AND STEEL FENCE POST
(SINGLE SUPPORT)



NOTES:

The mailbox to be 8 inches to 12 inches outside the edge of shoulder or 6 inches to 12 inches from face of curb.

Shopper Connection Bracket is to be installed away from the traffic flow wherever practical.