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**PREBLE TOWNSHIP**  
**TOWNSHIP ROAD DESIGN & CONSTRUCTION STANDARDS ORDINANCE**  
**Ordinance No. 2004-RD2**

The Board of Supervisors of Preble Township, Fillmore County, hereby adopts the following ordinance, and ordains the following:

WHEREAS, this Township Board believes that it is in the best interests of Preble Township to establish an integrated and safe township roadway system, with reasonable geometric design, base, grading and drainage standards, and of sufficient strength and durability to provide adequate public access and service.

RESOLVED, this Township Board hereby approves and adopts this Township Road Design & Construction Standards Ordinance to establish design and construction standards for all new or rebuilt private and public roads located within Preble Township, after the effective date of this ordinance.

RESOLVED, this Township Board ordains that all new or rebuilt private and public roads located within Preble Township, on public or private property, shall be designed and constructed according to the standards contained within this Township Road Design & Construction Standards Ordinance.

RESOLVED, this Township Board ordains that Preble Township shall not accept by purchase, gift or dedication any new or existing private road to be owned and used as a public road that has not been designed and constructed in accordance with the standards and procedures contained within this Township Road Design & Construction Standards Ordinance.

**Section 1 Definitions**

- 1.1 County. Fillmore County, State of Minnesota.
- 1.2 Cul-de-sac. A vehicular turnaround at the closed end of a road.
- 1.3 Civil Engineer. The Minnesota licensed civil engineer engaged by (i) a Road Developer to

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design and oversee construction of a new or rebuilt Private Road according to the design standards contained within this ordinance, or (ii) the Township Board to design and oversee construction of a new or rebuilt Public Road according to the design standards contained within this ordinance.

1.4 Driveway. A driveway, cartway or roadway built on private property serving as vehicular access from a Public or Private Road to one parcel of land, and which is not a 'Private Road' as defined in section 1.6 of this ordinance.

1.5 Final Plat. A series of drawings and maps showing a proposed subdivision containing all information and details, including proposed new Private or Public Roads, as required by Minnesota state statute and the Fillmore County Board of Commissioners, and which if approved, must be recorded with the Fillmore County Recorder.

1.6 Private Road. A road built on private property serving as a vehicular access to two (2) or more parcels of land, which is not dedicated to the public but is owned by one or more private parties. A Driveway built on private property intended to provide vehicular access to only a single parcel of land does not come within this definition of 'Private Road'.

1.7 Public Road. A road built on a public right-of-way which is used for public access and which is owned by or under the control of Preble Township.

1.8 Road Developer. Any contractor, subdivider, property owner or other individual or firm who proposes or intends to build or construct any new or rebuild any existing Private Road upon property located within Preble Township.

1.9 Subdivision. A tract of land which is to be or has been divided into three or more parcels or lots for the purpose of (i) immediate or future transfer of ownership, or (ii) building development of multiple housing, commercial or industrial units or facilities; or if any Private or Public Road is involved, any division of a parcel of land.

1.10 Township Board. Preble Township Board of Supervisors.

**Section 2 Private Roads**

2.1 All new or rebuilt Private Roads constructed within Preble Township shall be designed in accordance with the minimum geometric design standards contained in the Minnesota Department of Transportation, rule 8820.9920, *Geometric Design Standards for Rural and Suburban Undivided, New or Reconstruction Projects*, latest current edition, for roads projected to have an 'Average Daily Traffic' (ADT) of less than 50 vehicles per day. All new or rebuilt Private Roads constructed within Preble Township shall incorporate all minimum subgrade and aggregate base requirements, as

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described throughout this ordinance and as depicted on the drawings which are a part of this ordinance as Exhibit A. No Road Developer shall build or construct any new or rebuilt Private Road on property located within Preble Township until such Road Developer has first obtained the approval of the Township Board to the road design and construction plans, in accordance with the procedures mandated in Section 7 of this ordinance. A proposed new or rebuilt Driveway shall not be subject to the design and construction standards contained in this ordinance. However, if the owner of such Driveway intends to dedicate or transfer ownership of such Driveway to Preble Township as a Public Road, such Driveway must comply with the design and construction standards for a Public Road as provided in section 2.5 of this ordinance.

2.2 Any proposed new or rebuilt Private Road shall be designed by a Civil Engineer engaged by the Road Developer. The design, grading and construction plan for such proposed new Private Road must be approved by the Township Board before any construction of such new road is begun.

2.3 If a proposed new or rebuilt Private Road is intended to be included as a part of a proposed new subdivision, such road must be included within the final subdivision plat before the final plat is submitted to the Fillmore County Planning Commission for consideration. Such final plat shall display the exact alignment, surface width, subgrade width, gradients, dimensions, drainage plan and other elements of any proposed roads.

2.4 The Township Board shall not accept ownership of a new Private Road as a township Public Road until (i) all construction on such new or rebuilt Private Road has been completed, (ii) the Road Developer's Civil Engineer has approved and certified in writing that construction of such new or rebuilt Private Road has been completed according to the design plan and this ordinance, and (iii) houses or other proposed structures are completely constructed on at least 60% of the lots or parcels covered by the subdivision plat or building plan.

2.5 The Township Board shall not accept ownership of any existing Private Road or Driveway as a township Public Road unless and until such existing Private Road or Driveway (i) conforms fully to the design and construction standards contained within this ordinance, or (ii) has been redesigned and rebuilt to conform fully to the design and construction standards contained within this ordinance.

**Section 3 Public Roads**

3.1 All new or rebuilt Public Roads constructed within Preble Township shall be designed in accordance with the minimum geometric design standards contained in the Minnesota Department of Transportation, rule 8820.9920, *Geometric Design Standards for Rural and Suburban Undivided, New or Reconstruction Projects*, latest current edition, for roads projected to have an 'Average Daily Traffic' (ADT) of less than 50 vehicles per day. All new or rebuilt Public Roads authorized by the

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Township Board for construction within Preble Township shall incorporate all minimum subgrade and aggregate base requirements, as described throughout this ordinance and as depicted on the drawings which are a part of this ordinance as Exhibit A.

3.2 Any proposed new or rebuilt Public Road shall be designed by a Civil Engineer. The design, grading and construction plan for such proposed new Public Road must be approved by the Township Board before any construction of such new road is begun.

**Section 4 Geometric Design Standards**

4.1 The design standards of all proposed new Public and Private Roads shall be considered in relation to existing and other planned roads, to reasonable circulation of traffic, to topographical conditions, to runoff of surface and storm waters, and to the proposed land uses of the area to be served. All new or rebuilt Private and Public Roads constructed within Preble Township shall be designed in accordance with the minimum geometric design standards contained in the Minnesota Department of Transportation, rule 8820.9920, *Geometric Design Standards for Rural and Suburban Undivided, New or Reconstruction Projects*, latest current edition, for roads projected to have an 'Average Daily Traffic' (ADT) of less than 50 vehicles per day.

4.2 The right-of-way of all new Public and Private Roads shall be at least 60 feet in width.

4.3 All new and rebuilt Public and Private Roads shall be designed and constructed according to the following geometric design standards:

- (a) A finished surface traveling width of not less than 22 feet, excluding recovery area, to enable vehicles to enable vehicles to pass side-by-side in both directions of travel, with each lane having a minimum width of 11 feet. If any new road is an extension of an existing road, the road width shall be at the same or greater width as the existing road, but not less than the width requirements contained within this ordinance. The recovery area of shoulder shall be a minimum of 7 feet on each side to allow for normal driver reaction.
- (b) At least 1 foot of aggregate shoulder on each side of the road.
- (c) Finished subgrade width shall be a minimum of 31 feet.
- (d) The vertical grades of all new Public and Private Roads shall not be greater than 10% and not less than ½ of 1%. Changes in street grades shall be connected by vertical parabolic curves of a length of at least 50 feet.
- (e) The radii of all curves from the centerline shall be 100 feet; and there shall be a

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tangent between all reversed curves of a length in relation to the radii of the curves to provide for a smooth flow of traffic.

(f) A minimum vehicular speed of a minimum of 30 miles per hour. A new road shall not be designed for any speed beyond 30 miles per hour, unless the Road Developer's Civil Engineer affirms in writing that the horizontal and vertical terrain for such road will justify such increased vehicular speeds safely. The new road base and surface shall meet a minimum weight standard of 7 tons.

(g) Maximum centerline grade must be 8 percent. Sight distances must be designed to not less than 100 feet.

(h) Inslopes or foreslopes shall be a minimum of 1:3 slope, and backslopes shall be a minimum of 1:2 slopes.

(i) Shoulder radii at road intersections shall be rounded at a radius of not less than 50 feet.

(j) If any new road contains a cul-de-sac at the closed end, the turnaround shall have a minimum outside road diameter of 100 feet (50 foot radius) and minimum road property line diameter of 120 feet.

(k) Any new proposed road which is intended to intersect with an existing Public Road shall intersect with such road at a 90 degree angle if possible, and in no event at an angle less than 70 degrees. The angle of all new roads that do not intersect at a 90 degree angle with an existing road shall insure sufficient sight distance and traffic safety. Road jogs with centerline offsets of less than 150 feet shall be avoided.

(l) If a new subdivision or other development of land adjoins unsubdivided land susceptible of being subdivided or developed, then the proposed new subdivision road shall be constructed to the boundaries of such unsubdivided or undeveloped land.

(m) All bridges required for the new road must be at least 4 feet wider than the road being served. For example, if the new road will have a width of 24 feet, then a new bridge serving that road must be 28 feet wide rail to rail. An existing bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

(n) Culverts with less than 30-inch vertical height shall be allowed without protection in the recovery area. Culverts greater than 30-inch vertical height shall require an 8 foot distance from the edge of the road shoulder to the opening of the pipe end. The depth of the

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ditch, size of the pipe, and the 1:3 slope will dictate the length of the culvert to the apron end.

(o) All road drainage shall be designed for a 25 year storm under a registered engineer's supervision. Drainage facilities shall be designed to consider the drainage basin or watershed as a whole and shall accommodate runoff from the subdivision or other neighboring development and runoff from areas adjacent to and upstream from the subdivision or neighboring development to minimize adverse drainage effects on lands downstream. All road drainage systems shall be designed to permit the unimpeded flow of natural water courses and to ensure adequate drainage of all low points.

(p) No trees, plants, boulders, structures or any other obstacles shall be installed or placed within the right-of-way of the Private or Public Road.

**Section 5 Grading**

5.1 The Road Developer shall not begin excavation operations until the necessary cross-sections have been taken and the necessary construction stakes and grades have been established to the satisfaction of the Civil Engineer.

5.2 All topsoil to a maximum depth of 3 feet shall be removed from a footprint width of the proposed traveled portion of the road plus 1:1 slopes to subgrade. For example, a 24 foot road surface with 2 feet of topsoil at 1:1 slopes means a removal width of 28 feet. The removed topsoil shall be placed on inslopes and backslopes. Uncovered granular materials or select soils shall be placed in the uppermost part of the traveled portion of the road.

5.3 All excavation, embankment and surfacing shall be finished in reasonable close conformity with the dimensions shown on Exhibit A, and shall be compacted by the Method of Quality Compaction contained in the Minnesota Department of Transportation, Standard Specifications for Construction, latest current edition, specification number 2105.3.

**Section 6 Base and Surfacing**

6.1 Upon completion of grading of the new road, a minimum of 6 inches of compacted aggregate shall be placed on the road surface.

6.2 All materials incorporated into the base and surfacing shall comply with the Minnesota Department of Transportation, Standard Specifications for Construction, latest current edition, specification number 3138.

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6.3 All aggregates used for base and surfacing shall consist of 100% virgin aggregates, including sound durable particles or fragments of gravel and sand, crushed quarry or mine rock, crushed gravel or stone or any combination thereof. All aggregates shall not contain any sod, roots, plants, balls of clay, or other organic or objectionable material.

6.4 There is no requirement that any new or rebuilt Public or Private Road be surfaced with an asphalt or other bituminous material. Asphalt or other bituminous surfacing shall be preferred but not required. However, the road design standards contained in this ordinance apply only to aggregate surfaced roads. If a Road Developer intends to surface a new road with asphalt or other bituminous surfacing, the road must be designed in accordance with the stricter standards for hard surfaced roads.

**Section 7 Private Road Development Procedures**

7.1 If any Road Developer proposes to build or construct a (i) new Private Road or (ii) rebuild an existing Private Road, such Road Developer shall submit an application to the Township Board (on an application form furnished by Preble Township) requesting approval of the Road Developer's design and construction plans for such new or rebuilt Private Road. No construction shall begin on such new or existing Private Road until the Township Board has (i) reviewed all plans and designs for the proposed new or rebuilt road with the Civil Engineer, (ii) received approval of the road design plans from the Civil Engineer, and (iii) approved the Road Developer's application for such new or rebuilt Private Road.

7.2 Ultimately, the property owner of the land on which such proposed new or rebuilt Private Road is to be constructed is the party responsible for obtaining approval of the proposed new road by the Township Board, and constructing the Private Road in compliance with the standards and requirements contained in this ordinance. Any contractor, builder, engineer, surveyor or other party submitting an application to the Township Board for approval shall submit such application as an agent on behalf of the property owner, who shall sign the application for approval of the proposed new or rebuilt Private Road.

7.3 The Road Developer of such proposed new or rebuilt Private Road shall post a (i) performance bond to warrant that the Road Developer will properly perform the construction work, and (ii) payment bond to warrant that the Road Developer will pay fully all subcontractors and suppliers, each such bond in an amount of at least 100% of the total road construction cost as estimated by the Civil Engineer, and upon terms and conditions required by the Fillmore County Board of Commissioners, prior to beginning any construction of such new road. The performance and payment bonds shall be approved by the County Attorney and filed with the County Recorder. Such performance and payment bonds shall run for a period of at least two years from the time the Private Road is completed.

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7.4 Approval of proposed road construction shall not be deemed to be a commitment or agreement by the Township Board to accept an offer of gift or dedication of the Private Road from the owner to Preble Township. Preble Township shall not have any duty or obligation to repair or maintain such Private Road unless and until the Township Board has formally accepted ownership of such Private Road from the Private Road owner.

7.5 Any Road Developer who violates, omits, neglects or refuses to comply with all of the terms, standards, procedures and provisions of this ordinance, shall be guilty of a misdemeanor, and (i) subject to a fine not to exceed \$1,000 plus all costs of enforcement, and/or (ii) be sentenced to jail for a period not to exceed 90 days. The Township Board shall have all power and authority of enforcement of this ordinance allowed under Minnesota State statute or Fillmore County laws. Additionally, if any Road Developer violates, omits, neglects or refuses to comply with all of the terms, standards, procedures and provisions of this ordinance, the Township Board shall be entitled to proceed immediately against the performance and/or payment bonds furnished by the Road Developer. Additionally, if any Road Developer violates, omits, neglects or refuses to comply with all of the terms, standards, procedures and provisions of this ordinance, the Township Board shall be entitled to immediately initiate and maintain a civil lawsuit against the Road Developer to compel compliance with all of the terms, standards, procedures and provisions of this ordinance, and to recover any damages (including costs and attorneys fees) suffered by Preble Township by reason of Road Developer's failure or refusal to comply with this ordinance.

**Section 8 Variances**

8.1 The Township Board shall act as the Board of Appeals and Adjustments. Any decision by the Board of Appeals and Adjustments shall be deemed to be a decision of the Township Board acting in its capacity as the governing body of Preble Township. The Board of Appeals and Adjustments may vary or modify the strict application of this ordinance as follows:

- (a) Hear and decide appeals where it is alleged by an applicant that there is an error in any order, requirement, decision or determination of the application or enforcement of a provision of this ordinance.
  
- (b) Hear and decide requests for variances from the literal provisions of this ordinance in instances in which the strict enforcement of such provisions would cause undue hardship to the applicant because of circumstances unique to the individual property under consideration. The Board of Appeals and Adjustments may grant such variances only when (i) it is demonstrated that such action will be in keeping with the spirit and intent of this ordinance, and (ii) ownership of the Private Road or Driveway, which is the subject of the variance request, will not be transferred or dedicated to Preble Township.

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(c) All hearings for appeal or variance shall be public hearings. Notice of such public hearings shall be given at least 10 days prior to the hearing by posting and by publication in the official newspaper for the publication of Preble Township notices. The hearing may be continued from time to time.

(d) The fees applicable for an application for an appeal or variance shall be \$150, payable by the applicant prior to any hearing on such appeal or variance.

(e) All appeals from the decision of the Township Board acting as the Board of Appeals and Adjustments shall be directed to the Minnesota District Court for Fillmore County. Any such appeal must be filed within 30 days of the Township Board's final action.

**Ordinance Conclusion**

RESOLVED FURTHER, this Township Road Design & Construction Standards Ordinance, as amended and restated, shall become effective immediately, and that the previously enacted version of this ordinance is hereby repealed.

Dated: May 18, 2004

Gerald Peter  
Supervisor

Brad Kelly  
Supervisor

Attest:  
David Larson  
David Larson, Township Clerk

David Williams  
Supervisor

Return Recorded Document To:  
David Larson, Township Clerk  
Rural Route 2 - Box 160  
Mabel, Minnesota 55954  
Telephone: 507.864.2690