

OXFORD TOWNSHIP
ISANTI COUNTY
STATE OF MINNESOTA

ORDINANCE NO. 2023-1

ORDINANCE REGULATING MAINTENANCE OF TOWNSHIP ROADS

The Board of Supervisors of the Town of Oxford hereby ordains:

Section 1. Authority. As the statutory road authority, the Town Board has broad authority to regulate what occurs within the Township's road rights-of-way. This authority is found in Minnesota Statutes § 365.10, Subd. 17, a variety of sections in Chapters 160, 164, 165, 169, 222, 237, 368, and other chapters as well as the Township's police powers.

Section 2. Definitions. For the purpose of this Ordinance, the following terms shall have the meaning given:

- (a) "Road Right-of-Way" means the area of land reserved by law, public ownership, easement, dedication or public use for the operation and maintenance of a public road under the Township's road jurisdiction, including the traveled portion of the road, shoulders and the remaining area on both sides of the road extending to the outer boundaries of the right-of-way.

Section 3. Right-of-Way Maintenance Prohibition. In addition to the prohibitions contained in Minnesota Statute § 160.2715 and other relevant state statutes, no person, entity or party shall perform any maintenance or improvement within any Township road right-of-way without approval of the Town Board. This prohibition includes, but is not limited to, the following: snow plowing, pot hole repair, grading, graveling, snowplowing, sanding, salting, signing, dust control, shoulder maintenance, and ditch maintenance, etc.

Section 4. Penalty.

- (a) In the event of a violation of this Ordinance, the Town Board may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations. Should a violation of this Ordinance cause damage to the road right-of-way, and the Township determines to correct or abate such violations as provided in Section 5, the property owner shall be invoiced for all of the Township's costs which shall be paid within 30 days of the date of the invoice, should the property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012 or other relevant statute.

- (b) Further, each day of violation of this Ordinance shall be deemed a misdemeanor for which the Township may bring prosecution. In the event of a successful prosecution, then the prosecution costs may be added to any fines or penalties imposed by the Court, all as provided by statute. The maximum penalty shall be the same as the maximum penalty provided by Minnesota law for misdemeanor violations.
- (c) In the discretion of the Township, the matter may also be forwarded to the Isanti County Sheriff's Department, so that a citation can be issued to violator based on Minnesota Statute § 160.2715 or other relevant statute, if applicable.

Section 5. Restoration of Damaged Road Right-of-Way.

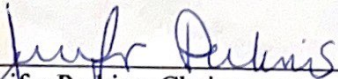
- (a) Any damage to the Road Right-of-Way resulting from a violation of this Ordinance and which the Township in its sole discretion determines to be an immediate safety hazard, may, without notice or liability for damages, be abated by the Township.
- (b) Any damage to the road right-of-way resulting from a violation of this Ordinance and which the Township does not determine to be an immediate safety hazard may be abated by the Township without liability for damages after: (i) written notice of violation is served on the person responsible for the damage notifying that person of the damage, the corrective action required, and that the Township may abate the damage at the person's expense if the person does not do so within the time specified in the notice; and (ii) the person responsible for the damage fails to abate the damage within the time specified in the notice.
- (c) Upon abatement of any damage to the road right-of-way, the Township may bill the Township's actual cost of abatement, plus cost of administration, to the person responsible for the damage. The billed amount, if not paid within thirty (30) days, shall be added to the property tax roll and shall constitute a lien against the responsible person's property which shall be collected and enforced in the same manner as general property taxes pursuant to Minnesota Statute § 366.012 or any other relevant statute. This cost recovery shall be in addition to any penalty or legal or equitable remedy the Township may seek or receive for the violation of this Ordinance.

Section 6. Severability. If a court of proper jurisdiction shall find any portion of this Ordinance unconstitutional or otherwise invalid, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

Section 7. Effective Date. This Ordinance shall be effective upon passage and publication in summary fashion in the official Township newspaper.

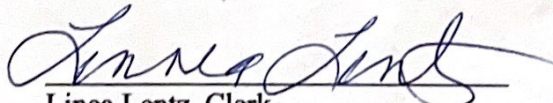
Section 8. Repealer. All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

Adopted by the Town Board of Supervisors on this 18 day of July 2023.



Jennifer Perkins, Chairperson

Attested to by:



Linea Lentz, Clerk