

**HAVEN TOWNSHIP
SHERBRURNE COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2025- 02

**AN ORDINANCE AMENDING THE TOWNSHIP'S ROAD
DESIGN AND STANDARDS ORDINANCE,
"ORDINANCE 2008-02", RELATING TO VIOLATIONS,
PENALTIES, AND ENFORCEMENT**

The Town Board of Haven Township does ordain as follows:

SECTION 1: PURPOSE AND INTENT. The purpose of this Ordinance is to amend the Township's Road Design and Standards Ordinance, Ordinance No. 2008-02 herein, to strengthen enforcement measures related to violations and penalties. Currently, Ordinance No. 2008-02 does not authorize the Township to recover costs and fees incurred in enforcing Ordinance No. 2008-02, limiting its ability deter violations. This amendment will authorize the Township to recover all reasonable costs and fees associated with enforcing Ordinance 2008-02. By doing so, the Township aims to improve compliance and deter individuals and entities from willfully violating the Township's road design and standards, including Township road right-of-way, thereby reducing the financial burden on the Township.

SECTION 2: AMEND SECTION 7 "Penalty". Ordinance No. 2008-02 is hereby amended to read as follows:

7. Penalty, Violations, and Enforcement

- a. Misdemeanor Penalty: Any person who violates any provision of Ordinance No. 2008-02 shall, upon conviction, be guilty of a misdemeanor as defined by Minnesota State Statute and shall be subject to fines and imprisonment as provided by law. Each day that a violation continues shall constitute a separate offense.

- b. Town Road Authority in Emergency Situations: Pursuant to Minn. Stat. §§ 160.02, subd. 25, 164.02, subd. 1, and any other relevant statute, the Township is the road authority responsible for ensuring that public road rights-of-way remain free from obstructions and hazards that interfere with safe travel, maintenance, access, or legal compliance. The Township may remove, without prior notice, any unauthorized object, obstruction, or encroachment within the right-of-way when immediate removal is necessary due to an emergency, including but not limited to threats to public safety, blockage of traffic, impediments to emergency vehicle access, or urgent maintenance needs in violation of Ordinance No. 2008-02.
- c. Civil Remedies: In addition to, or as an alternative to the penalties provided in Subdivision 1 and the emergency relief provided in Subdivision 2, the Township may pursue a civil action against landowners, persons in possession of property, and/or occupants who are found to be in violation of Ordinance No. 2008-02 in non-emergency situations. If the Town Board determines that a violation exists, the landowner, person in possession, or occupant shall be notified in writing of the nature of the violation. If the notified party fails to comply with Ordinance 2008-02 within twenty (20) days of receiving the written notice, the matter shall be referred by the Town Board to legal counsel. Legal counsel shall initiate proceedings in District Court to address the violation and seek remediation, correction, abatement, or any other relief necessary to resolve the issue. In addition, the Township shall seek to recover legal fees, administrative fees, costs, and all other actual expenses incurred in undertaking the corrective actions.
- d. Recovery of Costs: The landowner shall be personally liable for any and all costs incurred by the Township in connection with remediation, correction, abatement, emergency removal of right-of-way obstructions, or

other actions necessitated by the violation, including legal and administrative fees and expenses. Upon completion of the work, the Township shall prepare an invoice itemizing all fees, costs, and expenses and shall mail it to the landowner. The invoiced amount shall be immediately due and payable at the town hall.

- e. Assessment of Unpaid Costs: If the Township does not receive full reimbursement for the reasonable costs incurred in correcting the violation, those costs may be assessed as a special assessment pursuant to Minn. Stat. § 429.021, certified as an unpaid service charge pursuant to Minn. Stat. § 366.012, or collect as authorized by other relevant law or court order against the lot or property in question pursuant to Minnesota Statutes. The Town Board shall certify unpaid costs or service charges to the County Auditor for collection along with real estate taxes for the following year.

SECTION 3: INCORPORATION OF AMENMENTS. The Township Clerk is hereby authorized and directed to incorporate the amendments made by this Ordinance into Ordinance No. 2008-02 and such updated version shall constitute the official Haven Township Ordinance No. 2008-02.

SECTION 4: SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held invalid in any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part held invalid.

SECTION 5: EFFECTIVE DATE. This Ordinance becomes effective on the date of its publication or upon the publication of a summary of this Ordinance.

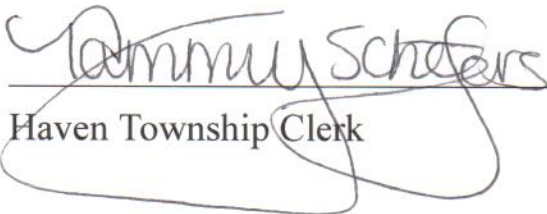
SECTION 6: REPEALER. All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

Adopted by the Haven Town Board this 19th day of
MAY, 2025.

Approved:


Haven Township Chairperson

Attested:


Haven Township Clerk