

**TOWN OF DULUTH
ST. LOUIS COUNTY, MINNESOTA**

ORDINANCE NUMBER 050808

**REGULATING SURFACE WATER RUN-OFF FROM DRIVEWAYS
AND BLACKTOP OBSTRUCTIONS FROM DRIVEWAYS
UPON DULUTH TOWNSHIP ROADS**

The Board of Supervisors of the Town of Duluth ordains:

SUBDIVISION ONE: PURPOSE. The purpose of this ordinance is to enact reasonable regulations to prevent interference with the construction, maintenance, and safe use of town roads within Duluth Township. The Town has experienced problems with private driveways that are constructed and maintained in a manner allowing surface water to run from the driveway and discharge across the traveled or maintained surface of graveled town roads rather than into the road ditches. This has resulted in gravel being washed off town roads, creating (1) low areas and washouts that are potential hazards to persons and property upon the roads and (2) degradation by increasing the amount of silt run-off within the township. A second problem is that owners or their agents who blacktop private driveways have at times extended the blacktop onto the traveled or maintained portion of town roads, creating (1) a ridge or hump that is a potential safety hazard to persons and property upon the road, and (2) difficulty grading and plowing the road where the strip of blacktop exists. It also creates unnecessary town expense for removing the blacktop.

SUBDIVISION TWO: AUTHORITY. The Town Board has the authority to construct, maintain, and regulate town roads and ditches under numerous statutes including but not limited to Minn. Stat. §164.02, §160.18-.21, and §160.2715. The Town Board has the authority to declare that the violation of an ordinance is a penal offense and prescribe penalties for violations, not to exceed the penalty for a misdemeanor, together with the costs of prosecution pursuant to Minn. Stat. §366.01, subd. 10.

SUBDIVISION THREE: PROHIBITED ACT – WATER FLOWING FROM DRIVEWAY ACROSS TOWN ROAD. The owner of any driveway within Duluth Township that abuts or terminates along or upon a town road shall construct and maintain the driveway in a manner so that surface water flowing from the driveway is diverted into the ditch of the town road rather than flowing across and upon the traveled or maintained surface in a manner that causes gravel upon the town road to be washed away.

SUBDIVISION FOUR: PROIBITED ACT – BLACKTOP FROM DRIVEWAY ENCROACHING UPON TOWN ROAD. The owner of any driveway in Duluth Township that is blacktopped shall not extend the blacktop onto the traveled or maintained surface of any town road. The owner shall remove any such blacktop from the traveled or maintained portion of the town road and restore the traveled or maintained surface to its original condition. For purposes of this subdivision, the property owner shall be responsible for the action of any contractor hired to perform blacktopping.

SUBDIVISION FIVE: VIOLATION AND PENALTY. Any owner who violates subdivisions three or four shall (1) reimburse the Town of Duluth for its reasonable expenses repairing the road as a result of the violation and (2) be subject to a fine in the amount of \$500.00, plus costs of prosecution, including the town's expenses, disbursements, and attorney's fees. The Town may also seek injunctive relief against the owner to prevent further or ongoing violations.

SUBDIVISION SIX: EFFECTIVE DATE. This ordinance becomes effective upon the date of its signature by the Chair as duly authorized by the Town Board.

Dated: May 8, 2008

Town of Duluth
By: Dave Mount,
Chair Town Board of Supervisors

I, Ann Cox, Clerk of the Town of Duluth, hereby attest that the forgoing is an ordinance duly enacted by the Town Board of supervisors for the Town of Duluth and signed by the Chair upon the date set forth above.