

ORDINANCE NO. 9

AN ORDINANCE ESTABLISHING STANDARDS FOR THE CONSTRUCTION OF STREETS AND ROADS WITHIN THE TOWN OF WHITE BEAR, PROVIDING PENALTIES FOR THE VIOLATION THEREOF

THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. AMENDMENT AND REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. 9, being an ordinance regulating the standards for the construction of streets in the Town of White Bear, Ramsey County, Minnesota, approved July 2, 1959, is hereby amended to read as follows, and all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. In all other respects, all other Ordinances shall remain in full force and effect.

SECTION 2. PURPOSE. Pursuant to authority of the Town of White Bear to regulate, control and maintain Township streets as provided in Minnesota Statutes, Chapter 368, the provisions of this Ordinance are hereby declared to apply to all streets hereafter constructed within the Town and are declared to be necessary and essential because of the growth and expansion of said Town.

SECTION 3. DEFINITIONS.

3-1. For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

3-1.1. A.A.S.H.O. is the American Association of State Highway Officials. All references to the A.A.S.H.O. specifications or methods of test shall be understood to refer to the latest published edition of the "Standard Specifications for Highway Materials and Methods of Sampling and Testing", of the A.A.S.H.O., unless specifically provided otherwise.

3-1.2. BASE is that portion of the street which is the foundation for the bituminous surfacing.

3-1.3. BITUMINOUS SURFACING is that portion of the street mixed with bituminous material and including the prime coat, aggregate, bituminous berm and seal coat.

3-1.4. GRADE is the established elevation of the finished bituminous surface of the street.

3-1.5. GRAVEL for the purpose of this Ordinance, the term "gravel" shall be construed to mean gravel or sand, or any combination thereof.

3-1.6. MnDot is the Minnesota Department of Transportation. All references to MnDot specifications or methods shall be understood to refer to the latest published edition of the Minnesota Department of Transportation "Standard Specifications for Highway Construction".

3-1.7. PLANS are all drawings and standard details or reproductions thereof pertaining to details of construction or of the contract work and which are made a part of the contract.

3-1.8. PRIMARY STREETS are the streets serving commercial, industrial and/or manufacturing areas and/or connection points of major traffic interest with the Town. Such streets may include minor arterial, collector, and some local roadways as defined in the Town of White Bear Comprehensive Plan.

3-1.9. RESIDENTIAL ACCESS STREETS are local streets providing access to residents only, and not serving business, commercial, industrial or manufacturing areas, and not connection points of major traffic interest.

3-1.10. SPECIFICATIONS are the directions, provisions and requirements that are prepared for the project under consideration and made part of the contract.

3-1.11. SUB-BASE is the portion of the street lying between the base and the sub-grade.

3-1.12. SUB-GRADE is that portion of the street which is the foundation for sub-base, base and surface.

3-1.13. PUBLIC UTILITIES are all watermains, sanitary sewers, storm sewers, together with appurtenances, including house service connections, valves, hydrants, manholes, catch basins and outlets.

3-1.14. PRIVATE UTILITIES are all gas mains, electric transmission lines and telephone lines together with appurtenances, including buried pipe, cable conduit, wire, valves, manholes, house service connections, poles, overhead wires, cables and conduits.

SECTION 4. PROCEDURE.

4-1. No building permits will be issued for any construction within the Township unless the building site is located adjacent to an existing street which is dedicated and maintained as a Town street; (this limitation on issuing permits shall not apply to planned developments), or unless provisions for street

construction has been made in full compliance with this Ordinance, and in no case until grading work as provided in 6-1.4(a) hereof has been completed and certified to the Clerk by the Town Engineer; except that in exceptional instances the Town Board may enter into an agreement with a property owner for special handling of an unusual situation which agreement shall be recorded so as to run with the land affected.

4-2. Before any improvement construction or alteration of any kind whatsoever is undertaken within the limits of a right-of-way, the person proposing such improvement, construction or alteration, including public and private utilities, shall procure a permit therefor from the Township.

4-3. All requests for street construction, improvement or reconstruction, improvement or reconstruction including public utilities, shall be initiated by a request to the Town Board upon a street improvement petition form. The form of petition shall be available to the public at all times at the office of the Town Clerk. Such petition, when properly executed, shall be filed with the Town Clerk.

4-4. Upon receipt of a street improvement petition, the Clerk shall present same to the Town Board. All such petitions, before being acted upon by the Town Board, shall be referred to the Town Engineer for preliminary report as to feasibility of the improvement, as to whether it should be made as proposed or in connection with some other improvement, and as to the estimated cost. When the Engineer's report has been received, the Town Board shall determine whether such improvement is to be made and how it shall be financed.

4-4.1. If the Town Board determines that the improvement is to be financed by means other than assessment of benefited property, all further proceedings shall be in accordance with Section 4-5 of this Ordinance.

4-5. PROCEDURE WHEN NOT ASSESSING BENEFITED PROPERTY.

4-5.1. When the street improvement will not be financed by assessment, a copy of the Town Engineer's preliminary report shall be furnished to each petition. The petitioner or petitioners shall deposit with the Town Board, an amount equal to ten (10) percent of the estimated construction costs. This sum shall be used to defray expenses incurred by the Town for plans, specifications, legal services, advertising, or any other expense in connection therewith. In the event work is not ordered by the Town Board, any money remaining of such ten (10) percent deposit after expenses as above specified have been paid, shall be refunded to the petitioners.

4-5.2. After the petitioners have paid the deposit required in Section 4-5.1. of this section, the Town Board shall instruct the Town Engineer to

prepare final plans and specifications and estimate of cost for the improvement, construction, or reconstruction, including drainage and utility installations as petitioned and as recommended by the Engineer's preliminary report. When the final plans and specifications and estimate of costs are completed, the Town Engineer shall present same to the Town Board and shall furnish a copy thereof to the Clerk for transmittal to the petitioner. Before the Town Board orders the work done or advertises for bids, the petitioners shall deliver to the Town a cash deposit, or irrevocable letter of credit or a surety bond, in the amount of One Hundred Twenty-Five percent (125%) of the Engineer's final estimate; and such cash deposit or irrevocable letter of credit shall be used for, or such surety bond shall guarantee, the prompt payment in cash for all work as specified in the payment terms of the contract as let by the Town Board. If the petitioners fail to furnish said cash deposit or irrevocable letter of credit or bond within thirty (30) days from the date the Town Clerk forwards a copy of the Town Engineer's final estimate to the petitioner, the project shall be terminated and the Clerk shall forthwith deduct all expenses incurred by the Town from the deposit provided in 4-5.1. of this section. Any balance remaining shall be paid back to the petitioner.

4-5.3. Upon receiving from the petitioner the cash deposit or irrevocable letter of credit or bond required by Section 4-5.2, the Town Board shall use the procedure of the provision of Chapter 429 for the purpose of advertising for bids and letting contract for the work to be done. This language shall not be construed to require the issuance of bonds by the Town nor to require assessment to be spread.

4-6. In the development of a large subdivision or plat, the street construction may be undertaken in parts of sections of the plat providing that the petitioner includes in each separate undertaking streets which will make a complete circuit so that there will be no dead ends when the construction of a particular section has been completed.

4-7. Any temporary or permanent street having a width of less than sixty (60) feet shall be considered as a permissible variance from this Ordinance providing the Township Engineer shall design such street in the best possible manner for the contemplated use. The petitioner may be required to enter into special agreements pertaining to such sub-standard streets.

4-8. The Town Board shall at all times, have the right to determine and specify the timing of street construction and may in its discretion, contract for grading under a separate contract from the finishing or surfacing of the driving area. Whenever surfacing is delayed for a substantial period of time after grading, the Town Board may provide for snow plowing and general blading operations on such streets at the expense of the Town. If the Town Board does

provide for snow plowing and blading, such action on the part of the Town Board shall not in any way constitute or be deemed to be final acceptance by the Town of such street for maintenance. If conditions require, during the period of such partial maintenance, that aggregate or gravel be applied to the entire driving surface, the application thereof shall be deemed to be part of the street construction to be paid for by the petitioner on a time and material basis to the Town. Such partial maintenance as provided for in this paragraph shall not be construed to have any effect upon construction agreements existing between the Town and the petitioner but shall be construed to be part of such construction agreements and shall be construed to be an exercise by the Town Board of its right under Chapter 368 to perform a part of the work contemplated by Town labor and Town equipment on a time and materials basis.

SECTION 5. PRIMARY STREET SYSTEM. The Town Board shall from time to time designate those streets which shall constitute the primary street system of the Town. Primary streets shall differ from other streets as set forth in the specifications of this Ordinance. Designation of primary streets shall be by resolution of the Town Board.

SECTION 6. DESIGN STANDARDS.

6-1.1. All streets, including residential access streets, shall be designed as minimum 7 ton (axle loading) all weather streets, capable of handling a minimum of 400 vehicles per day. Primary streets shall be designed to handle such additional axle loading's and traffic volumes as the ultimate use of the street may require.

6-1.2. RIGHT-OF-WAY. All streets constructed hereafter shall be as provided under Section 4-7 of this Ordinance. Primary streets shall be constructed on right-of-ways of such additional width as may be necessary to accommodate the final completed ultimate street as required by the ultimate use for which that street is designed.

6-1.3. TEST. The Town Board may authorize the Town Engineer to conduct such tests, take such boring's or make such surveys as may be necessary for the proper design of the street. The cost of such tests, boring's and/or surveys shall be considered as part of the overall cost of the street improvements.

6-1.4. MINIMUM CONSTRUCTION REQUIREMENTS. Basic requirements for constructing streets described in Section 6-1.1, above shall be as follows:

6-1.4(a). GRADING. All streets shall be graded for the full width of the right-of-way, and in such manner as to provide a minimum

finished surfaced width of thirty-two (32) feet from back to back of the bituminous berms. All streets shall be undercut below the established grade for the width of the finished surface to a depth adequate to accommodate the sub-base, base, and bituminous surfacing.

6-1.4(b). SUB-GRADE. The sub-grade of the streets shall be so constructed as to satisfactorily sustain the street in a stable condition. Any unsuitable or undesirable materials shall be removed.

6-1.4(c). SUB-BASE AND BASE. All streets shall be constructed having a gravel sub-base conforming to MnDot Specification No. 3138, Class 4; and, a gravel base conforming to MnDot Specification No. 3138 Class 5. Based on the particular soil group encountered in the sub-grade after the removal of any unsuitable or undesirable soils, the need and minimum thickness of the gravel sub-base shall be as required to ensure a minimum 7-ton finished street design when combined with the minimum thickness gravel base and bituminous surfacing. The minimum thickness of gravel base shall be six inches. Adjustment of the total sub-base and base thickness for a 7-ton design shall be made in the sub-base only, and the six-inch minimum thickness of the base shall not be decreased.

6-1.4(d). BITUMINOUS SURFACING. All streets shall be surfaced with hot plant-mixed bituminous-aggregate mixture having a minimum thickness of two inches on a prepared base, conforming to MnDot Specification No. 2341.

6-1.4(e). CONCRETE CURB AND GUTTER. MnDot Design D4-12 (Surmountable) or B6-18 Concrete curb and gutter, at the Town's option, shall be installed as part of all new street construction as well as all reconstructed Town streets. All concrete curb and gutter shall be constructed in accordance with MnDot Specification 2531.

6-1.4(f). SEAL COAT. A bituminous seal coat shall be applied to the finished bituminous surface according to the scheduled seal coat program. The seal coat shall be constructed in accordance with the requirements of MnDot Specification No. 2356. The types and grades of materials and rate of application of the same shall be as specified by the Town Engineer.

6-1.4(g). DRAINAGE. Provisions shall be made for the proper drainage of all streets through the installation of adequately designed culverts, storm sewer, etc., and the installation thereof shall be considered part of the essential street construction requirements provided for by this Ordinance. Wherever possible, such drainage shall fit into the overall drainage plan for the Town.

6-1.4(h). BOULEVARDS. The boulevards (area between the backs of the bituminous berms and the property line) shall be uniformly finished to match the top of the bituminous berms and sodded or seeded to present a pleasing finished appearance.

6-2. PUBLIC UTILITIES. All wires, cables, pipes, conduit and other installations of public utilities which are to be buried within the street right-of-way together with such service lines, leads, stubs, and/or other appurtenances as may be required to connect the adjacent property to these public utilities shall be constructed and/or installed prior to the time any part of the bituminous surfacing is applied to the street.

6-3. STANDARD DETAIL PLATES. Attached hereto as Figure 1, and made part hereof, is a standard detail plate showing typical standard minimum requirements of construction and materials. This detail plate may be revised or added to from time to time by resolution of the Town Board and said revised or additional plates shall be considered part of this Ordinance.

6-4. VARIANCES AND EXCEPTIONS. The Town Board may permit variations from these requirements in specific cases, which, in its opinion, do not affect the general sense of this Ordinance.

SECTION 7. PENALTIES. Every person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00).

SECTION 8. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota, this 8th day of June, 1959.

APPROVED:

THEO. J. BLAIR, Chairman

ATTEST:

F. PAUL WRIGHT, Town Clerk

Published in the White Bear Press, July 2, 1959

Historical Notes

1992

Section 6-1.4(e) passed January 13, 1992, and effective January 22, 1992 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1984

Sections 1, 2, 3, 4, 5, 6, 7, 8, & 9 passed January 3, 1984, and effective January 25, 1984 by Jungkunz (Chair), Weisenburger, Hamilton; Webber (Clerk-Treasurer).

1959

Ordinance, Title and Section 1, 2 & 3, originally passed June 8, 1959, and effective July 2, 1959 by Blair (Chair).