

**CITY OF BALDWIN  
SHERBURNE COUNTY  
STATE OF MINNESOTA**

**ORDINANCE NO. 2025-13**

**ORDINANCE AMENDING ORDINANCE NO. 100  
REGULATING CITY PUBLIC RIGHT-OF-WAY**

The City Council for the City of Baldwin hereby ordains:

**Section 1. Amendment of Section 1.08, Subpart 1(b).** Section 1.08, Subpart 1(b) of Ordinance No. 100 is hereby amended to state:

- (b) **Fee.** An application shall be accompanied by a non-refundable fee as provided in the City's fee schedule. An additional fee as determined by the City Council shall be required if the applicant for property owner installs the driveway, field approach or culvert prior to obtaining a permit or scheduling an inspection by the City. This additional nonrefundable permit application fee is to cover the City's additional inspection and administrative costs.

**Escrow.** At the time the application is submitted, applicant or property owner shall also establish with the City an escrow fund for any costs incurred by the City relating to the construction of the driveway or field approach and installation of the culvert, if necessary, including, but not limited to, repairing damage to any roadways as a result of the construction of the driveway or field approach and the installation of the culvert, turf establishment and removing an unacceptable driveway. The escrow amount shall be collected even if there is an existing driveway or field approach on the property. The amount of the initial escrow shall be as provided in the City's fee schedule and shall be accompanied by a signed escrow agreement.

**Separate Escrow, Delayed Construction.** Applicant or property owner may also be required to establish with the City a separate escrow fund, if requested by City staff, for any costs incurred by the City relating to any additional costs anticipated to be incurred by the City relating to the construction of the driveway and installation of the culvert, if necessary, if the driveway is not completed with the house construction due to season, weather, or other delays. This separate escrow shall be collected at issuance of a building permit. The amount of the escrow shall be determined by City staff on a case-by-case basis depending on the work to be performed and shall be accompanied by a signed escrow agreement.

**Additional Escrow, if Required.** If additional escrow is required or bills incurred beyond the escrow amount, applicant shall be billed directly for such costs and applicant or property owner agrees to furnish additional monies as requested by City staff. Any amounts not utilized from the escrow fund shall be returned to the

applicant or property owner, without interest, when all driveway or field approach improvements have been completed, all financial obligations to the City have been satisfied, and the City Council or its designee has approved the final inspection.

**Section 2. Amendment of Section 1.08, Subpart 7.** Section 1.08, Subpart 7 of Ordinance No. 100 is hereby amended to add the following language:

- (d) No work under this Article is to be started until the City Council or its designee approves the access driveway or field approach permit application and all applicable fees and escrow deposits have been received by the City.
- (e) All work performed by the applicant or property owner covered by this Section shall comply with all “Driveway Permit Requirements” as contained in the permit application form and any additional requirements of the City Engineer. If the event of a conflict between the terms and conditions of this Article and the terms and condition of the “Driveway Permit Requirements”, the conditions of the permit as required by the City Engineer shall control.
- (f) No driveway or field approach shall impact a wetland unless the wetland permit has first been obtained.
- (g) No obstructions shall be constructed or planted in the City right-of-way. Obstructions include but are not limited to; retaining structures, rip rap, posts, trees, shrubs and other such items. Mailboxes and support posts may be located within the City right-of-way as provided by this Article.
- (h) The applicant and property owner shall allow such persons, as the City Council shall designate to enter onto their property for inspection purposes prior to the issuance of the permit, during the progress of the work, after the permitted work has been completed, and for any abatement work deemed necessary by the City.
- (i) Unless a written extension of time has been granted by the City Council or its designate, if work is not completed within thirty (30) days of the date stated in permit (date access will be installed), any driveway or field approach permit, which has been granted under this Article, is null and void and applicant must reapply for a permit and pay the required fee should they wish to continue with work covered under this Article.
- (j) If required by the City Council or its designate, the applicant or property owner shall provide and install the necessary pipe and aprons for the driveway or field approach pursuant to the City’s specifications and Subpart 6 of this Section and any requirements of the City Engineer.
- (k) Where work on the traveled roadway is necessary during construction, traffic must be protected and signing and proper barricades must be utilized pursuant to the Minnesota Manual of Uniform Traffic Control Devices.

- (l) Dirt or debris from access or field approach construction activities are NOT ALLOWED on City roads and shall be removed within twenty four (24) hours of placement or within three (3) hours' notice to do so by the City or its designee, whichever is earlier. If an applicant or property owner fails to comply with this subpart, the City Council may immediately remove the dirt or debris itself and charge the cost of clean-up to the applicant or property owner pursuant to subpart 9 of this Section.
- (m) Unless otherwise directed by the City Council or its designate, the roadside must be cleaned after work is completed and restored to a condition similar to that prior to construction.
- (n) Prior to construction of the driveway or field approach and installation of the culvert, the applicant or property owner shall meet with the City Council or its designate at the site to inspect the site, to determine the location of the driveway or field approach, and to determine the scope of the work to be performed. Every new driveway or field approach shall also be required to have an inspection after the construction work is completed.
- (o) Applicant or property owner must place stakes in the exact location of the proposed driveway or field approach prior to review by the City Council or its designee, and again prior to culvert delivery. The applicant or property owner shall notify the City that the stakes have been placed and the site is ready for initial inspection. Applicant or property owner shall relocate the proposed driveway or field approach as required by the City of its designee.
- (p) Every new access or field approach shall be required to have an inspection after the construction work is completed. After construction is completed, the applicant or property owner shall notify the City that the work on the access or field approach has been completed and is ready for final inspection and approval by the City Council or its designee.
- (q) All construction work on the access or field approach under this Section shall be completed within thirty (30) days of permit issuance unless otherwise agreed to in writing by the City Council or its designee.
- (r) No changes or alterations in the approved construction for the access or field approach may be made at any time without the written consent of the City Council or its designee.

**Section 3. Amendment of Section 1.08, Subpart 9.** Section 1.08, Subpart 9 of Ordinance No. 100 is hereby amended to state as follows:

- 9. **Enforcement.** In addition to the provisions of Section 1.20, a violation of this Section shall be grounds for the immediate revocation of the access driveway or field approach permit. Further, applicants or owners of properties with accesses

that fail to comply with the provisions of this Section may be required to remove and/or reconstruct such accesses at their expense, including responsibility for all costs incurred by the City related to enforcement of this Ordinance and abatement of the violation.

**Section 4. Amendment of Section 1.20.** Section 1.20 of Ordinance No. 100 is hereby amended to state as follows:

**Section 1.20. Enforcement and Penalty.**

1. **Violation.** A violation of any section or requirement of this Article is prohibited, shall constitute a public nuisance and shall be grounds for the immediate revocation of the access driveway or field approach permit. The person or persons violating this Article shall be subject to the penalties provided herein and shall be responsible for abating the nuisance, including the reimbursement of all costs the City may incur to abate or otherwise respond to the nuisance.
2. **Correction Order.** Upon discovery of a violation of this Article, the City Council may issue a correction order to the applicant or property owner, in person or by U.S. Mail, ordering the person to correct the violation by a time certain. If the address of the applicant or property owner is not known, or if the property is not occupied, the City Council will provide notice of the order by posting same on the property. If the applicant or property owner fails to comply with the correction order by the time indicated in the order, which in no case shall exceed 30 days, the City Council may provide for the correction of the violation. However, if the City Council determines that the violation creates an immediate threat to public safety the City Council may provide for the correction of the violation as it determines is appropriate. Issuance of a correction order does not preclude imposition of the penalties or other remedies available to the City as set forth in this Article.
3. **Cost of Correction.** In the event of a violation of this Article, the City Council may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations. Should the City determine to correct or abate such violations, the applicant or property owner shall be invoiced for the City's costs not covered by the escrow deposit which shall be paid within 30 days of the date of the invoice, should the applicant or property owner not reimburse the City within said time, the City shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the property owner's property taxes pursuant to Minn. Stat. §§ 429.101, 366.012 or any other relevant statute.
4. **Penalty.** Any person who violates this Article shall be guilty of a misdemeanor and subject to the penalties for such as provided in State law. Each day of existence of such violation shall constitute a separate offense. If convicted, the

person may be assessed the costs of prosecution as allowed by Minn. Stat. § 366.01, subd. 10.

**Section 5. Revisions to Reflect Incorporation as a City.** Ordinance 100 has been adopted in form and shall be amended by the City Clerk as necessary to revise references to “Baldwin City”, the “Town”, “Town” officials, “Town” staff or “Road” or other relevant terms to address the City’s incorporation as the City of Baldwin.

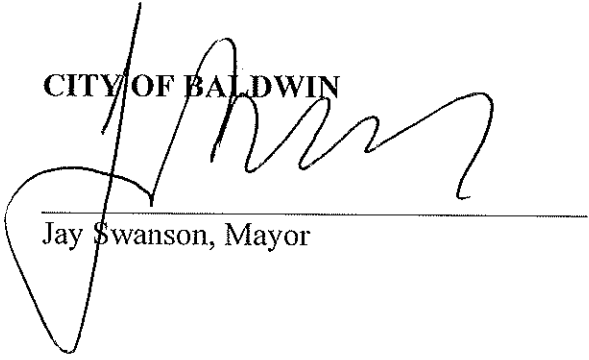
**Section 6. Validity and Separability.** Whenever any provision of this Ordinance is more restrictive than provisions of existing laws or ordinances, the provision of this Ordinance shall govern. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, except that part so declared to be invalid.

**Section 7. Incorporation of Amendments.** The City Clerk is hereby authorized and directed to incorporate the amendments made by this Ordinance into Ordinance No. 100 Regulating Town Road Right-of-Way and such updated version shall constitute the official Ordinance.

**Section 6. Effective Date.** This Ordinance shall take effect upon its passage and publication.

Approved and adopted by the City of Baldwin City Council this 4<sup>th</sup> day of August 2025.

CITY OF BALDWIN

  
Jay Swanson, Mayor

Attested by:

  
Joan Heinen, Clerk