

**CITY OF ROSE CREEK  
MOWER COUNTY, MINNESOTA  
Ordinance No. 12-1-2025**

**AN ORDINANCE PROVIDING FOR THE MANAGEMENT OF  
PUBLIC RIGHT-OF-WAY**

The City Council of the City of Rose Creek ordains:

**Section 1. Title.** This Ordinance shall be known as the City of Rose Creek Ordinance providing for the Management of Public Right-of-Way.

**Section 2. Purpose.** The City of Rose Creek ("City") is a Minnesota municipal corporation. Minnesota Statutes, Section 237.163, subdivision 2(b) and Minnesota Rules, Chapter 7819 authorize a City to manage its public rights-of-way. Minnesota Statutes, chapters 160, 164, 165, 168B, 169, 609, and other state laws and rules, also authorize the City to adopt requirements regarding its rights-of-ways. The City finds that this Ordinance is in the best interests of the health, safety, and welfare of its residents and the general public, the use and administration of its rights-of-way, and the protection of the investment the public has made in City infrastructure.

**Section 3. Definitions.** The definitions in Minnesota Statutes, chapters 160, 164, 165, 168B, 169, 237, and 609, and Minnesota Rules 7819.0100 are hereby adopted by reference.

**Section 4. Right-of-Way Management.**

A. **General Right-of-Way Restrictions.** Except as authorized by this Ordinance or any other state or local approval or law or regulation:

1. **Obstructions.** No person may place, maintain, or allow any obstruction in a right-of-way.
2. **Interference with Right-of-Way.** No person shall park a vehicle in a right-of-way in such a manner as to unreasonably interfere with the safe use or maintenance of a right-of-way, road, curb, embankment, or related drainage facilities.
3. **Junk.** No person shall place, discard, deposit, or maintain junk, synthetic or organic, trash, garbage, waste materials, rubbish, rubber debris, appliances, waste, or abandoned vehicles in a right-of-way.
4. **Alteration.** No person shall alter or change the depth or contour of any right-of-way, road, curb, embankment, or drainage facilities.
5. **Unauthorized Maintenance.** No person may work, maintain, or repair the traveled portion of a right-of-way.

6. Damage to a Right-of-Way. No person shall cause damage to a right-of-way, road, curb, embankment, or drainage facilities, whether by a willful act or a failure to exercise due care.
  7. Statutory Prohibitions. Without limiting or modifying the other provisions of this Ordinance, the prohibitions contained in Minnesota Statutes, section 160.2715 are adopted by reference and are incorporated into this Ordinance.
- B. Obstruction Permit Required. No person may obstruct, perform work in the improved and traveled portion of any right-of-way, or install new facilities in any portion of the right-of-way, without first having obtained an obstruction permit from the City. A person seeking to do so shall first obtain a permit approved by the City. The permit shall specify the location of the affected right-of-way, describe the work to-be performed or facilities to be installed, and the duration of the work requiring a permit.
- C. Application. A right-of-way permit application shall contain the following:
1. A completed application form including plans or drawings of the project;
  2. The applicant's Gopher State One Call registration certificate number, address, e-mail address, and telephone number;
  3. A certificate of self-insurance or certificate of insurance naming the City as an additional insured, verifying that the applicant is insured against claims for personal injury, death, or property damages associated with work in the right-of-way, and requiring thirty (30) days notice to the City of cancellation or material modification of the policy;
  4. Payment of a permit fee covering the administrative and management costs of the City and any associated costs such as the cost of any right-of-way restoration that the City must complete; and
  5. Any other documentation required by state law or administrative rules or which may be reasonably required by the City.
- D. Permit Conditions and Denial. The City may impose reasonable conditions upon the issuance of the permit to protect the public health, safety and welfare or the right-of-way. Such conditions may include a requirement that the permittee post a construction performance bond in conformance with Minnesota Rules, part 7819.3000. The City may deny a right-of-way permit if a completed application is not filed, if the requirements of this Ordinance are not met, or if the City determines that denial is necessary to protect the public health, safety, and welfare or the right-of-way.
- E. Permit Fees. The City may establish a right-of-way permit fee. If the City establishes a permit fee, the permittee shall pay the fee upon submission of their application. Unless

otherwise agreed to in a franchise, right-of-way permit fees are separate from and in addition to franchise fees imposed on a right-of-way user.

- F. Permit Extensions, Delay, and Penalties. No person may obstruct a right-of-way beyond the date specified in the applicable permit without applying for a permit extension in a similar form as the original application.
- G. Completion and Inspection. The permittee shall notify the City in writing when the work under a permit is completed. The City may inspect the work site at any time during or upon completion of the work. The City may order cessation of work which poses a serious threat to the life, health, safety of the public.
- H. Revocation of Permit and Right to Appeal. The City may revoke any right-of-way permit without refund, if there is a breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A right-of-way user may have any City decision or action on a right-of-way permit reviewed by the City Council upon written request made within thirty (30) days of such decision or action. The City Council decision will be in writing and supported by written findings.
- I. Indemnification and Liability. By applying for and accepting a permit under this ordinance, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rules, part 7819.1250.
- J. Work Standards. All work performed in the right-of-way shall be done in conformance with Minnesota Rules, part 7819.1100 and applicable local requirements.
- K. Right-of-Way Restoration. A permittee shall promptly patch and restore the right-of-way to a condition equivalent to that prior to its work according to Minnesota Rules, part 7819.1100. If any right-of-way pavement settles and the City corrects the problem, the permittee shall pay to the City all costs associated with correcting the problem within thirty (30) days of billing. If the permittee fails to restore the right-of-way as required, the City may complete the work at the expense of the permittee including by making claim against any construction performance bond.
- L. Relocation of Facilities. Upon the written request of the City, a person with facilities in the right-of-way shall promptly, and at its own expense, remove and relocate its facilities as necessary to prevent interference in connection with a public project, and not merely for the convenience of the City, or as necessary to further public health or safety.
- M. Abandoned Facilities. Unless waived by the City, any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if necessary to accommodate other right-of-way repair, excavation, or construction.
- N. Work Without a Permit. Except in an emergency, any person who performs work in a right-of-way without the necessary permit must immediately obtain a permit and pay double the normal permit fee.



## **Section 5. Parking Restrictions and Towing.**

- A. Compliance. Parking a vehicle in a location or under the circumstances prohibited under this Ordinance and such vehicle is subject to towing and impoundment.
- B. Prohibitions. It is unlawful for a person to park a vehicle, or any portion of a vehicle, on a City road in way which violates any of the following:
  - 1. In a place prohibited by Minnesota Statutes, section 169.32;
  - 2. In a place prohibited by Minnesota Statutes, section 169.34, subdivision 1;
  - 3. In a place or manner described in Minnesota Statutes, section 168B.035, subdivision 3(b);
  - 4. In a manner that interferes with the maintenance of a City road by the City or its authorized contractor, including but not limited to, repair, snowplowing, grading, seal coating, and bituminous overlay; or
  - 5. For trucks, for a period longer than 72 consecutive hours, except when loading or unloading is actively taking place.
- C. Abandoned and Junk Vehicles. It is unlawful for a person to park, store, or leave an abandoned vehicle or junk vehicle on a City right-of-way, City road, or on City property and such vehicles are subject to towing and impoundment.
- D. Towing and Impoundment Authorized.
  - 1. Towing Authorized. The City may tow and have impounded a vehicle parked or abandoned in violation of this Ordinance as provided in this section.
  - 2. Parking Enforcement Officer. The City Clerk-Treasurer is appointed Parking Enforcement Officer. The City Clerk-Treasurer or their delegee shall have all powers provided to such an officer under this Ordinance, as well as Minnesota Statutes, chapter 168B. Law enforcement officers shall have all the powers of a parking enforcement officer under this Ordinance.
  - 3. Towing and Impoundment Agreements. The City may enter into such agreements with the towing companies as it deems necessary to provide for the timely towing and storage of vehicles. A towing company towing or impounding a vehicle pursuant to this Ordinance shall be responsible for impounding and properly storing and safekeeping the vehicle and its contents. Any towing company towing a vehicle upon order of the City shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances in the towing, storage, and disposal of the vehicles it tows.

E. Procedure for Towing Vehicles.

1. Procedures. A parking enforcement officer shall comply with the following procedures before ordering a vehicle towed pursuant to this Ordinance.
2. Citation and Towing Report. A parking enforcement officer shall issue a citation and towing report regarding the vehicle in violation of this Ordinance. The towing report shall describe the vehicle, the license plate number, and the reasons for towing. The parking enforcement officer and the tow driver shall both sign the towing report.
3. Immediate Towing. A parking enforcement officer may order the immediate towing and impoundment of a vehicle, upon the issuance of a towing report, if it is parked or located so as to:
  - a. Prohibit access to a City road, driveway, alley, fire hydrant, or public utility;
  - b. Interfere with the maintenance of a City road by the City or its authorized contractor, including but not limited to, repair, snowplowing, grading, seal coating, and bituminous overlay;
  - c. Be within 30 feet of a stop sign and visually blocking the stop sign;
  - d. Be within a designated no parking area; or
  - e. Constitutes an accident or traffic hazard to the traveling public;

F. Retrieving Impounded Vehicles. An owner shall contact the towing company directly in order to reclaim a vehicle towed and impounded pursuant to this Ordinance. The towing company may charge the reasonable costs of services provided in the towing, storage, and inspection of the vehicle before releasing the vehicle. The towing company shall be responsible for requiring sufficient proof of ownership before releasing a vehicle or its contents. A registered owner of a vehicle may retrieve the contents of a vehicle without charge and without retrieving the vehicles when authorized to do so pursuant to Minnesota Statutes, section 168B.07, subdivision 3.

G. Disposal of Unclaimed Vehicles. The towing company shall be responsible for properly disposing of the unclaimed vehicles and their contents impounded pursuant to this Ordinance in accordance with the authority provided to impound lots under law to sell or otherwise dispose of impounded vehicles.

**Section 6. Incorporation by Reference of Driveway Ordinance.** The City of Rose Creek Driveway Ordinance is hereby incorporated by reference.

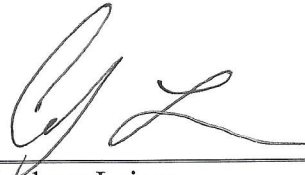
**Section 7. Penalties and Remedies.** In the event of a violation of this Ordinance, the City, may institute any and all appropriate criminal or civil actions or proceedings to prevent, restrain, correct or abate such violations. Any person who violates, or fails to comply with, a provision of this Ordinance, knowingly makes a false statement in any document required to be submitted under the provision hereof, or that violates a condition of a permit issued, shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine and/or imprisonment as authorized by law for the punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

**Section 8. Recovering Costs.** If a person fails to fully reimburse the City for any of the costs required to be reimbursed in this Ordinance, the unreimbursed amount, together with collection costs, constitute a service charge that may be collected on the taxes of the owner's property as provided in Minnesota Statutes, sections 415.01 and 366.012, or collected in accordance with any other legal authority available to the City. In the event of certification of service charges, the City will provide written notice of its intent to certify the amount on or before October 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

**Section 9. Severability.** If any portion of this Ordinance is held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

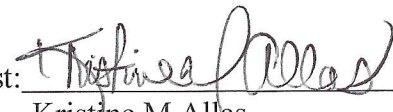
This ordinance is hereby adopted this 1st day of December, 2025 and shall be effective upon the first day of publication.

**BY THE CITY COUNCIL**



\_\_\_\_\_  
Mayor Andrew Leisen

Attest: \_\_\_\_\_



Kristine M Allas  
City Clerk-Treasurer

