

**CITY OF ROSE CREEK
MOWER COUNTY, MINNESOTA
Ordinance No. 2023-03**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING
A MORATORIUM ON THE ESTABLISHMENT OR EXPANDED OF DRIVEWAYS**

The City Council of Rose Creek ordains:

Section 1: Legislative Findings. The City Council of the City of Rose Creek ("City") hereby finds and determines as follows:

- (a) The City Council is a governing body for the purposes of the Municipal Planning Act in Minnesota Statutes, Chapter 462 and has the authority under Minnesota Statutes, section 462.355, subdivision 4 to adopt an interim ordinance to regulate, restrict, or prohibit any use, development, or subdivision within the City;
- (b) The City received an inquiry about approving a curb cut to facilitate the placement of a secondary driveway to property within the City;
- (c) The City has not adopted regulations or standards regarding curb cuts or the placement of driveways within the City and so currently has no formal procedures to consider and act on such requests; and
- (d) To protect the public health, safety, and welfare, the City Council determines it is in the best interests of the public to impose a moratorium on new or expanded driveways to allow the City time to study the issue and to develop such standards and regulations as the City Council may determine are needed to protect the City, its residents, and the planning process.

Section 2. Definitions. For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section.

- (a) City. "City" means the City of Rose Creek, Mower County, Minnesota.
- (b) City Right-of-Way. "City Right-of-Way" means any portion of a street, alley, cartway, or other public way in which the City has an interest regardless of how the interest was established. The term includes streets and alleys dedicated to the public by plat. The term does not include the rights-of-way over which the state or the county serves as the road authority.
- (c) Driveway. "Driveway" means a private roadway constructed to provide access for vehicles to and from a City right-of-way to private property. The term includes, but is not limited to, a secondary or additional private roadway from a City right-of-way to

private property. The term does not include a private sidewalk for use solely by pedestrians that does not require a curb cut.

- (d) Establish. "Establish" or "Establishment" means, for the purposes of this Ordinance, to construct or have constructed a new driveway connecting private property to a City right-of-way.
- (e) Expand. "Expand" or "Expansion" means, for the purposes of this Ordinance, to widen or relocate an existing driveway that is connected to a City right-of-way.

Section 3. Study Authorized. The City Council will conduct a study of driveways, including how other small communities regulate driveways, to develop standards and regulations for the establishment and expansion of driveways within the City. The City Clerk/Treasurer is authorized to work with the City Attorney as may be needed to obtain recommendations and to prepare draft documents for the City Council to review and provide feedback on as part of the City developing and adopting appropriate driveway requirements and regulations.

Section 4. Moratorium Imposed. A moratorium is hereby imposed within the City on the establishment and expansion of driveways connecting private property to a City right-of-way. During the period of the moratorium, no person shall establish a new driveway or expand an existing driveway from a City right-of-way. This moratorium does not prohibit a person from constructing or expanding a driveway located on a state highway or a county highway or road within the City upon the issuance of the required permits or permissions from the appropriate road authority.

Section 5. Duration. This Ordinance shall remain in effect for 12 months from the date of its adoption, except that this Ordinance shall terminate earlier upon the effective date of regulations adopted by the City Council regarding driveways or upon the adoption of a resolution by the City Council repealing this Ordinance, whichever occurs first.

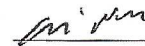
Section 6. Penalty and Enforcement. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The City may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the City from instituting any other action or proceeding available to it under law to enforce this Ordinance.

Section 7. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision and part thereof. If any section, provision or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its adoption.


Adopted this 5th day of July 2023.

BY THE CITY COUNCIL



Mayor

Attest:



Clerk/Treasurer