

New Haven Township

OLMSTED COUNTY, MINNESOTA — EST. 1858

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Work / Obstructions in Township Road Right-of-Way

The New Haven Town Board would like to remind residents that it is unlawful to perform any work or prohibited actions within the Township's road right-of-way without prior approval from the Town Board. Under Minn. Stat. § 160.2715 it is a criminal misdemeanor to perform unauthorized work within the road right-of-way.

Prohibited actions within the Township's road right-of-way include, but are not limited to, the following: depositing snow, plowing, planting of crops, trees or shrubs, erecting a fence, installing posts or flags, erecting driveway headwalls, digging holes, removing earth, removing gravel or rock, obstructing ditch drainage, placing or maintaining any building, placing unauthorized advertisements, as well as any other unauthorized activity.

Unauthorized obstructions placed within the Township's road right-of-way can pose a safety threat to motorists and for users of the road. As such, it creates a potential for liability for the Township as the statutory road authority. Courts have held that even though a road authority did not own the land where the danger was located, by virtue of its easement to use the land, the placement of the danger within that easement, and the road authority's general duty to maintain roads in a safe condition, the court held that the road authority was a "landowner" for purposes of the applicability of Minn. Stat. § 541.051. See *Johnson v. County of Nicollet*, 387 N.W. 2d 209 (Minn. App. 1986). In addition, the Courts have held that the person responsible for installing unauthorized obstructions may also be liable in a civil lawsuit if damages or injuries occur as a result of their actions.

The New Haven Town Board is concerned about public safety. The Township has a ROW ordinance which can be viewed on the Township website. Permits are required to do work in Township ROWs and can be obtained through the Planning and Zoning Administrator. Your cooperation and courtesy in this matter is greatly appreciated. If you have any questions, please contact the Planning and Zoning Administrator, or the Township Clerk.

Dale Thomforde
Township Clerk
507-226-1082