CITY OF FOREST LAKE from a company licensed or autho may deny a permit for failure to of undergrounding. right-of-way user clearly and con-ASHINGTON COUNT rized to do business in the State of meet the requirements and condi-MINNESOTA ORDINANCE NO. 679 AN ORDINANCE tions of this chapter or if the City determines that the denial is nec-Minnesota: vincingly demonstrates that none of the purposes under this Section (a) Verifying that an insurance essary to protect the health, safety, policy has been issued to the regbe advanced by CHAPTER 98 OF THE FOREST LAKE CITY CODE istrant by an insurance company and welfare of the public or when ground placement of facilities on licensed or authorized to do busithe project in question, or the city necessary to protect the right-of-RELATED TO STREETS AND determines on its own review that ness in the state of Minnesota, or way and its current use. SIDEWALKS AND ENACTING TITLE IX, CHAPTER 98 a form of self-insurance acceptable (B) Procedural Requirements. undergrounding is not warranted to the City; The denial or revocation of a permit based on the circumstances of the O ADMINISTER AND (b) Verifying that the registrant is must be made in writing and must proposed undergrounding. REGULATE THE PUBLIC RIGHTS-OF-WAY IN insured against claims for personal document the basis for the deni-al. The City must notify the appli-(2) Temporary Service. Aboveground installation, construction injury, including death, as well as THE PUBLIC INTEREST or placement of temporary service claims for property damage arising cant or right-of-way user in writing AND TO PROVIDE FOR THE ISSUANCE AND out of the (i) use and occupancy of the right-of-way by the registrant, lines shall only be allowed:

A. During new construction of within three business days of the decision to deny or revoke a perany project for a period not to ex-REGULATION OF RIGHTits officers, agents, employees, and mit. If an application is denied, the OF-WAY PERMITS.
THE CITY COUNCIL OF THE permittees, and (ii) placement and use of facilities and equipment in right-of-way user may address the reasons for denial identified by the ceed three (3) months. B. During an emergency in order CITY OF FOREST LAKE ORDAINS to safeguard lives or property with City and resubmit its application. If the right-of-way by the registrant, its officers, agents, employees, and permittees, including, but not lim-AS FOLLOWS: the application is resubmitted within 30 days of receipt of the notice C. For a period of not more than Section One. Title IX, Chapter seven (7) months when soil condi-98, Section 98 Repeal and Reited to, protection against liability of denial, no additional application arising from completed operations, damage of underground facilities, fee shall be imposed. The City must approve or deny the resubmitted placement. Title IX, Chapter 98 of tions make excavation impractical. (3) Facilities Subject to Preempee Public Utilities Commission the Forest Lake City Code is hereby application within 30 days after repealed in its entirety and replaced and collapse of property; tive Public (c) Naming the City as an additional insured as to whom the covsubmission as follows and the following is here Siting and Routing Jurisdiction. Fa-INSTALLATION RE-98.19. cilities that are subject to certificate by ordained and adopted: Chapter 98 erages required herein are in force QUIREMENTS. of need and siting and routing re-Right-of-Way Management § 98.01. FINDINGS, PURPOSE, and applicable and for whom debackfilling quirements of the Minnesota Public Utilities Commission are exempted excavation, patching and restoration, and all fense will be provided as to all such from this subdivision, to the extent AND INTENT. other work performed in the right-(d) Requiring that the City be notified thirty (30) days in advance of-way shall be done in confor-mance with Minn. R. 7819.1100 To provide for the health, safethat the city's undergrounding authority is pre-empted by law. tv. and welfare of its citizens, and 7819.5000 and other appli-Small Cell to ensure the integrity of its streets of cancellation of the policy or ma-Collocation of <u>Wireless Facilities</u>. Collocation of small wireless facilities and installaterial modification of a coverage cable local requirements, in so far and the appropriate use of the rights-of-way, the City strives to keep its rights-of-way in a state of as they are not inconsistent with term; and the Minn. Stat., §§ 237.162 and (e) Indicating insurance coverage in the following minimum tion of wireless support structures approved by the city and in compli-ance with Minn. Stat. §§ 237.162, 237.163, are exempted from this good repair and free from unneces 237.163. Installation of service laterals shall be performed in acamounts: sary encumbrances. Accordingly, the City hereby cordance with Minn. R., ch 7560 i. General Liability: including Public liability, enacts this chapter of Forest Lake and these ordinances. Service latsection. premises, products and complete (E) Developer Responsibility. eral installation is further subject to City Code relating to right-of-way those requirements and conditions All owners, platters, or developpermits and administration. This chapter imposes reasonable reguset forth by the City in the applicaers are responsible for complying with the requirements of this sub ble permits and/or agreements reflations on the placement and mainperson, erenced in Section 98.22 (B) of this tenance of facilities and equipment \$3,000,000 each occurrence; and division, and prior to final approva 3. Property Damage Liability: \$3,000,000 each occurrence. ordinance of any plat or development plan, shall submit to the director written currently within its rights-of-way or §98.20. INSPECTION. to be placed therein at some future time. It is intended to compleii. Comprehensive: Notice of Completion. instruments from the appropriate When the work under any permit hereunder is completed, the per-1. Automobile liability insurance right-of-way users showing that all ment the regulatory roles of state including owned, non-owned, and and federal agencies. Under this necessary arrangements with said mittee shall furnish a completion hired vehicles: users for installation of such facilichapter, persons excavating and 2. Boaily : \$1,000,000 certificate in accordance Minn. Rule 7819.1300. obstructing the rights-of-way will Injury ties have been made §98.36. SEVERABILITY. bear financial responsibility for their work. Finally, this chapter provides each person: \$3,000,000 each occurrence; and (B) Site Inspection. Permittee If any portion of this chapter is 3. Property Damage Liability: \$3,000,000 each occurrence shall make the work site available to the City and to all others as aufor recovery of out-of-pocket and for any reason held invalid by any court of competent jurisdiction projected costs from persons using the public rights-of-way. (f) Workers' compensation thorized by law for inspection at all such portion shall be deemed a umbrella coverage established by the City in amounts sufficient to This chapter shall be interpretreasonable times during the execuseparate, distinct, and independent ed consistently with 1997 Session Laws, Chapter 123, substantially provision and such holding shall tion of and upon completion of the protect the City and the public and not affect the validity of the remainto carry out the purposes and policies of this chapter. (C) Authority of Superintendent.(1) At the time of inspection, codified in Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and 2017 ing portions thereof. Nothing in this chapter precludes the City from re the superintendent may order the (g) The City may require a copy quiring a franchise agreement with Minn. Laws, Ch. 94, art. 9, amendof the actual insurance policies. immediate cessation of any work the applicant, as allowed by law, in (h) If the person is a corporation, which poses a serious threat to the addition to requirements set forth ing the Act, and the other laws governing applicable rights of the a copy of the certificate is required life, health, safety, or well-being of to be filed under Minn. Stat. § 300.06 as recorded and certified to the public. Section Two. <u>Summary Publication</u>. Pursuant to Minnesota Stat-City and users of the right-of-way. (2) The superintendent may is-This chapter shall also be interby the secretary of state. sue an order to the permittee for utes Section 412.191, in the case preted consistent with Minn. R. P. (i) A copy of the person's order granting a certificate of authority any work that does not conform of a lengthy ordinance, a summary may be published. While a copy 7819.0050-7819.9950 and Minn. to the terms of the permit or other R., Ch. 7560 where possible. To the from the Minnesota Public Utilities extent any provision of this chapter applicable standards, conditions, of the entire ordinance is available cannot be interpreted consistently Commission or other authorization or approval from the applicable codes. The order shall state without cost at the office of the City Clerk, the following summary is that failure to correct the violation with the Minnesota Rules, the in approved by the City Council and terpretation most consistent with state or federal agency to lawfully will be cause for revocation of the the Act and other applicable statoperate, where the person is lawpermit. Within ten (10) days after shall be published in lieu of publishissuance of the order, the permittee fully required to have such authoing the entire ordinance: utes and case law is intended. This chapter shall not be interpreted to rization or approval from said comshall present proof to the superin-The ordinance repeals and re places Chapter 98 of the City Code and adopts comprehensive rightlimit the regulatory and police powmission or other state or federal tendent that the violation has been corrected. If such proof has not ers of the City to adopt and enforce agency. (j) Such other information as the been presented within the required of-way regulations for City right-ofgeneral ordinances necessary to protect the health, safety, and wel-City may require on its registration the superintendent may reway, which has elected to manage voke the permit pursuant to §98.22. application. its rights-of-way pursuant to Minn fare of the public. § 98.02. ELECTION TO MAN-GE THE PUBLIC RIGHTS-OF-WORK DONE WITH Stat. § 237.163, subd. 2(b). The or (B) Notice of Changes. The reg-OUT A PERMIT. istrant shall keep all of the informadinance imposes reasonable regu-WAY. tion listed above current at all times (A) Emergency Situations. Each lations on the placement and mainregistrant shall immediately notify Pursuant to the authority grantby providing to the City information tenance of facilities and equipment as to changes within fifteen (15) days following the date on which the superintendent of any event currently within the City's rights-of-way or to be placed therein at ed to the City under state and federal statutory, administrative and common law, the City hereregarding its facilities that it considadministrative the registrant has knowledge of ers to be an emergency. The regissome future time and is intended to by elects, pursuant to Minn. Stat. § 237.163 subd. 2(b), to manage any change. trant may proceed to take whatever complement the regulatory roles of state and federal agencies. The reg-§98.08. REPORTING OBLIGAactions are necessary to respond ulations adopted by this ordinance rights-of-way within its jurisdiction. to the emergency. Excavators' establish a permitting system for work to be completed in the right-§ 98.03. DEFINITIONS.
The following words, terms, and phrases, as used herein, have (A) Operations. Each registrant tification to Gopher State One Call shall, at the time of registration and regarding an emergency situation by December 1 of each year, file does not fulfill this requirement. of-way and requirements for mi a construction and major mainte-nance plan for underground facilnor and major excavation permits, regulate small wireless facilities in the following meanings unless the Within two (2) business days after the occurrence of the emergency context clearly indicates otherwise ities with the City. Such plan shall the registrant shall apply for the the right-of-way, establish permit References hereafter to "sections necessary permits, pay the fees associated therewith, and fulfill the are, unless otherwise specified be submitted using a format desigapplication requirements including references to sections in this chan nated by the City and shall contain the payment of fees for permits for ter. Defined terms remain defined the information determined by the rest of the requirements necessary work to be completed in the rightterms, whether or not capitalized.

Abandoned Facility. A facility City to be necessary to facilitate the coordination and reduction in to bring itself into compliance with of-way, require the undergrounding of facilities, and establish a process this chapter for the actions it took in no longer in service or physically the frequency of excavations and response to the emergency. for revoking a right-of-way permit. Section Three. <u>Effective Date</u>. This Ordinance shall be in full force disconnected from a portion of the obstructions of rights-of-way. The If the City becomes aware of an emergency regarding a registrant's plan shall include, but not be limitoperating facility, or from any other facility, that is in use or still carries and effect upon its publication as ed to, the following information: facilities, the City will attempt to service. A facility is not abandoned (1) The locations and the esticontact the local representative of provided by law. Passed in regular session of mated beginning and ending dates unless declared so by the right-ofeach registrant affected, or poten-City Council or rojects way user Applicant. Any person request-ing permission to excavate or obduring the next calendar year (in this section, a "next-year project"); any event, the City may take what-ever action it deems necessary to 2018. CITY OF FOREST LAKE By: Ben Winnick respond to the emergency, the cost struct a right-of-way. City. The City of Forest Lake (2) To the extent known, the tentative locations and estimated of which shall be borne by the registrant whose facilities occasioned Its: Mayor Minnesota. For purposes of section 98.28, City also means the City's Attested: beginning and ending dates for all the emergency. By: Bailey Fencil Its: Deputy City Clerk
Published in the elected officials, officers, employ-(B) Non-Emergency Situations. Except in an emergency, any Non-Emergency Situaprojects contemplated for the five years following the next calendar year (in this section, a "five-year ees, and agents Forest Lake Times October 11, 2018 867725 Collocate or Collocation. To inperson who, without first having project").

(B) The term "project" in this obtained the necessary permit, obstructs or excavates a right-of-way stall, mount, maintain, modify, operate, or replace a small wireless section shall include both next-year must subsequently obtain a permit facility on, under, within, or adjacent to an existing wireless sup-port structure or utility pole that is owned privately, or by the City or and, as a penalty, pay double the normal fee for said permit, pay douprojects and five-year projects (C) By January 1 of each year, the City will have available for inble all the other fees required by the City code, deposit with the City the fees necessary to correct any damother governmental unit spection in the City's office a composite list of all projects of which the City has been informed of the Commission. The State Public age to the right-of-way, and comply Utilities Commission. Congested Right-of-Way. A crowded condition in the subsurannual plans. All registrants are responsible for keeping themselves with all of the requirements of this chapter. § 98.22. SUPPLEMENTARY NOinformed of the current status of face of the public right-of-way that this list occurs when the maximum lateral TIFICATION. (D) Thereafter, by February 1, each registrant may change any If the obstruction or excavation spacing between existing underof the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify ground facilities does not allow for construction of new underground facilities without using hand digproject in its list of next-year projects, and must notify the City and all other registrants of all such changes in said list. Notwithstandthe City of the accurate informaging to expose the existing lateral facilities in conformance with Minn. Stat. § 216D.04, subd. 3, over a tion as soon as this information is ing the foregoing, a registrant may at any time join in a next-year projknown. § 98.23. REVOCATION OF PERcontinuous length in excess of 500 MITS. ect of another registrant listed by (A) Substantial Breach. The City Performance the other registrant. Construction (E) Additional Next-Year Projects. Notwithstanding the foregoing, the City will not deny an ap-Bond. Any of the following forms of reserves its right, as provided here security provided at the permittee's in, to revoke any right-of-way permit without a fee refund, if there is option: lication for a right-of-way permit a substantial breach of the terms (A) Individual project bond; (B) Cash deposit; (C) Security of a form listed or approved under Minn. Stat. § for failure to include a project in a plan submitted to the City if the and conditions of any statute, or-dinance, rule or regulation, or any material condition of the permit. registrant has used commercially A substantial breach by permittee shall include, but shall not be lim-15.73, subd. 3; reasonable efforts to anticipate and (D) Letter of Credit, in a form acplan for the project. §98.09. PERMIT ceptable to the City;
(E) Self-insurance, in a form ac-REQUIREited to, the following: (1) The violation of any material MENT. (A) Permit Required. Except as otherwise provided in this code, provision of the right-of-way perceptable to the City; (F) A blanket bond for projects within the City, or other form of no person may disturb, obstruct or (2) An evasion or attempt to evade any material provision of the excavate any right-of-way, or install or place facilities in the right-ofconstruction bond, for a time spec right-of-way permit, or the perpeified and in a form acceptable to the City. way, without first having obtained tration or attempt to perpetrate any the appropriate right-of-way permit fraud or deceit upon the City or its Degradation. A decrease in the useful life of the right-of-way from the City to do so. (3) Any material misrepresentation of fact in the application for a caused by excavation in or distur-(1) Minor Excavation Permit. A bance of the right-of-way, resulting in the need to reconstruct such minor excavation permit is required by a registrant to perform a minor right-of-way permit. excavation and disturb that part of the right-of-way described in such permit and to hinder free and open (4) The failure to complete the work in a timely manner, unless a right-of-way earlier than would be required if the excavation or disturpermit extension is obtained or unbance did not occur. passage over the specified portion of the right-of-way by placing facil-ities described therein, to the ex-Degradation Cost. Subject to Minnesota Rules Part 7819.1100, less the failure to complete work is due to reasons beyond the permitmeans the cost to achieve a level tee's control. (5) The failure to correct, in a timely manner, work that does not of restoration, as determined by tent and for the duration specified the City at the time the permit is istherein conform to a condition indicated sued, not to exceed the maximum (2) Excavation Permit. An excarestoration shown in plates 1 to 13, vation permit is required by a regison an order issued pursuant to Sec. set forth in Minnesota Rules, Parts trant to perform a major excavation 7819.9900 to 7819.9950. and excavate that part of the right (B) Written Notice of Breach. If of-way described in such permit and to hinder free and open pasthe City determines that the permittee has committed a substantial Degradation Fee. The estimate ed fee established at the time of sage over the specified portion of permitting by the City to recover breach of a term or condition of any the right-of-way by placing facilities statute, ordinance, rule, regulation, or any condition of the permit, the costs associated with the decrease in the useful life of the right-of-way described therein, to the extent and City shall make a written demand caused by the excavation, and which equals the degradation cost. for the duration specified therein. (3) Small Wireless Facility Permit. A small wireless facility permit upon the permittee to remedy such violation. The demand shall state Department. The Forest Lake Department of Public Works that continued violations may be is required by a registrant to erect Delay Penalty. The penalty imposed as a result of unreasonable cause for revocation of the permit. A substantial breach, as stator install a wireless support structure, to collocate a small wireless or to otherwise install a ed above, will allow the City, at its delays in the permitted work withsmall wireless facility in the specified portion or the right-of-way, to the extent specified therein, prodiscretion, to place additional or revised conditions on the permit to in the right-of-way including construction, excavation, obstruction, mitigate and remedy the breach. patching, or restoration as estab-(C) Response to Notice of Breach. Within seventy-two (72) lished by a permit. vided that such permit shall remain Emergency. A condition that (1) poses a clear and immediate danin effect for the length of time the facility is in use, unless lawfully rehours of receiving notification of the breach, permittee shall provide the City with a plan to cure the ger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in (B) Permit Extensions. No perbreach which must be approved by the City. Permittee's failure to so contact the City, or permittee's son may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unorder to restore service to a customer. less (i) such person makes a supfailure to timely submit a plan, or Equipment. Any tangible asset used to install, repair, or maintain facilities in any right-of-way. plementary application for another right-of-way permit before the expiration of the initial permit, and (ii) permittee's failure to reasonably implement an approved plan, shall Excavate. To dig into or in any way remove or physically disturb be cause for immediate revocation of the permit.

(D) Revocation. If a permittee a new permit or permit extension is granted. or penetrate any part of a right-of-(C) Delay Penalty. In accordance commits a breach as way. above and fails to cure such breach within 30 days of the date from Excavation, Major. To dig into with Minn. Rule 7819.1000 subp. 3 and notwithstanding §98.08 (B), or in any way remove or physically the City shall establish and impose which notice is sent to the permitdisturb or penetrate any part of a a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by tee of the breach, unless the cure cannot reasonably be completed right-of-way greater than a depth of seven (7) inches below existing grade and more than ten (10) within such time and the permittee square feet of surface area.

Excavation, Minor. To physically has prepared a plan acceptable to the City to cure the breach, permitdisturb ground or vegetation up to City Council resolution. tee's permit will automatically be (D) Permit Display. Permits isrevoked a depth of seven (7) inches below sued under this chapter shall be (E) Reimbursement of City costs. existing grade and no more than conspicuously displayed or otherwise available at all times at the If a permit is revoked, the permittee ten (10) square feet of surface area with no impact to existing public shall also reimburse the City for the City's reasonable costs, including indicated work site and shall be infrastructure and no removal of or damage to existing paved surfaces. available for inspection by the City. restoration costs and the costs of including sidewalks, trails, or roads. Excavation Permit. The permit §98.10. PERMIT APPLICAcollection and reasonable attorneys' fees incurred in connection TIONS. permit with such revocation. which, pursuant to this chapter, Right-of-way § 98.24. MAPPING DATA must be obtained before a person tions shall be made to the City and may conduct a major excavation shall contain, and will be consid-(A) Information Required. Each in a right-of-way. An Excavation Permit allows the holder to excaered complete only upon compliand permittee provide mapping information required by the City in accordance with Minn. R. P. 7819.4000 and 7819.4100. Within ninety (90) days ance with, the requirements of the vate that part of the right-of-way following provisions: (A) Registration with the City described in such permit. pursuant to this chapter. Excavation Permit, Minor . The permit which, pursuant to this chapter, must be obtained before (B) Submission of a completed permit application form, includfollowing completion of any work pursuant to a permit, the permittee shall provide the superintendent accurate maps and drawings cer-tifying the "as-built" location of all a person may conduct Minor Exing all required attachments, and cavation in a right-of-way. An Minor Excavation Permit allows the holdscaled drawings showing the location and area of the proposed projequipment installed, owned, and maintained by the permittee. Such er to disturb that part of the rightect and the location of all known existing and proposed facilities.
(C) Payment of money due the of-way described in such permit. Excavation Permit Fee. Money maps and drawings shall include the horizontal and vertical location of all facilities and equipment and paid to the City by an applicant to City for: (1) Permit fees, estimated rescover the costs as provided in Sectoration costs, and other manageshall be provided consistent with tion 98.13. the City's electronic mapping system, when practical or as a con-Facility or Facilities. Any tangible ment costs; (2) Prior obstructions or excavaasset in the right-of-way required to provide Utility Service.

Five-Year Project Plan. Shows dition imposed by the superinten (3) Any undisputed loss, damdent. Failure to provide maps and age, or expense suffered by the projects adopted by the City for construction within the next five drawings pursuant to this subsec-City because of applicant's prior be grounds for denying tion shall the permit application. excavations or obstructions of the rights-of-way or any emergency actions taken by the City; and High Density Corridor. A designated portion of the public right-(B) Service Laterals. All permits sued for the installation or repair of service laterals, other than minor repairs as defined in Minn. R. of-way within which telecommuni-(4) Franchise fees or other charges, if applicable.
(D) Payment of cations right-of-way users having P. 7560.0150, subp. 2, shall require disputed multiple and competing facilities amounts due the City by posting may be required to build and install the permittee's use of appropriate security or depositing in an escrow account an amount equal to at facilities in a common conduit sysmeans of establishing the horizontal locations of installed service lattem or other common structure. Hole. An excavation in the rightleast one hundred and ten percent erals and the service lateral vertical (110%) of the amount owing of-way having a length that is equal locations in those cases where the superintendent reasonably requires to or less than the width of the (E) Posting an additional or largit. Permittees or their subcontrac-tors shall submit to the superintener construction performance bond pavement or adjacent pavement of the right-of-way for the section of the roadway where the work is for additional facilities when applicant requests an excavation permit dent evidence satisfactory to the superintendent of the installed seroccurring. to install additional facilities and the Local Representative. A local vice lateral locations. Compliance City deems the existing construcwith this subdivision 2 and with tion performance bond inadequate person or persons, or designee of such person or persons, authorized under applicable standards. §98.11. ISSUANCE OF PERMIT; applicable Gopher State One Call law and Minnesota Rules governby a registrant to accept service CONDITIONS. ing service laterals installed after and to make decisions for that registrant regarding all matters within (A) Permit Issuance. If the appli-Dec. 31, 2005, shall be a condition of any City approval necessary for:
(1) Payments to contractors the scope of this chapter.

Management Costs. The actual cant has satisfied the requirements to contractors of this chapter, the City shall issue working on a public improvement project, including those under Minn. Stat. Ch. 429, and costs the City incurs in managing its rights-of-way, including but not limited to: costs associated with (B) Conditions. The City may imose reasonable conditions upon (2) City approval under development agreements or other subdivision or site plan approval under Minn. Stat. Ch. 462. The registering applicants seeking perthe issuance of the permit and the mission to excavate or obstruct a performance of the applicant thereunder to protect the health, safety, right-of-way; issuing, processing, and verifying right-of-way or small and welfare or when necessary to protect the right-of-way and its superintendent shall reasonably wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, current use. In addition, a permittee determine the appropriate method shall comply with all requirements of local, state, and federal laws, of providing such information to the protecting, or moving user facilities City. Failure to provide prompt and including but not limited to Minn. accurate information on the service during right-of-way work; determinlaterals installed may result in the ing the adequacy of right-of-way Stat. §§ 216D.01 - .09 (Gopher One Call Excavation Notice System) and restoration; restoring work inade-quately performed after providing revocation of the permit issued for Minn. R., Ch. 7560. the work or future permits to the notice and the opportunity to con (C) Small Wireless Facility Conoffending permittee or its subconrect the work; and revoking right-of-way or small wireless facility ditions. In addition to subdivision tractors (B) and the relevant provisions of § 98.25. LOCATION AND RELO-Chapter 153, the erection or installation of a wireless support permits. Management costs do not CATION OF FACILITIES. (A) Placement, location, and reinclude payment by a telecommu-nications right-of-way user for the structure, the collocation of a small location of facilities. The location of wireless facility, or other installation of a small wireless facility in the facilities must comply with the Act, with other applicable law, and with Minn. R. 7819.3100, 7819.5000, use of the right-of-way, unreasonable fees of a third-party contractor used by the City including fees tied right-of-way, shall be subject to the and 7819.5100, to the extent the to or based on customer counts, following conditions: access lines, or revenues generated by the right-of-way or for the rules do not limit authority other-(1) A small wireless facility shall only be collocated on the particular wise available to cities wireless support structure, under City, the fees and cost of litigation Undergrounding. relating to the interpretation of Minthose attachment specifications. otherwise agreed in a franchise or nesota Session Laws 1997, Chapter 123; Minn. Stat. §§ 237.162 or and at the height indicated in the other agreement between the applicable right-of-way user and the City, all facilities shall be placed underground in accordance with applicable permit application. (2) No new wireless support 237.163; or any ordinance enacted structure installed within the rightunder those sections, or the City fees and costs related to appeals of-way shall exceed 50 feet in height without the issuance of a the provisions of all applicable City taken pursuant to Section 98.30 of ordinances. Conditional Use Permit and Gen-(C) Corridors. The City this chapter. Micro Wireless Facility. A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and eral Standards for Use for tow-ers consistent with all applicable provisions of this chapter and the assign a specific area within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, requirements of the City's zoning whose exterior antenna, if any, is no longer than 11 inches. ordinance. (3) No wireless facility may exthe City expects will someday be Obstruct. To place any tangible tend more than 10 feet above its located within the right-of-way. All excavation or other permits issued object upon a right-of-way so as to wireless support structure. (4) No signage may be located by the City involving the installation hinder free and open passage over or replacement of facilities shall designate the proper corridor for that or any part of the right-of-way on small wireless facilities unless Patch or Patching. A method of pavement replacement that is required to protect public safety.

(5) Where an applicant prothe facilities at issue. Any registrant who has facilities temporary in nature. A patch conposes collocation on a decorative in the right-of-way in a position at variance with the corridors estabwireless support structure, sian sists of (1) the compaction of the or other structure not intended to subbase and aggregate base, and support small wireless facilities, the City may impose reasonable lished by the City shall, no later than at the time of the next recon-(2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the requirements to accommodate the struction or excavation of the area particular design, appearance or intended purpose of such structure. where the facilities are located, move the facilities to the assigned excavation in all directions. A patch is considered full restoration only position within the right-of-way, (6) Where an applicant propos when the pavement is included in es to replace a wireless support structure, the City may impose reaunless this requirement is waived by the City for good cause shown, the City's five-year project plan. Pavement. Any type of improved surface that is within the public upon consideration of such factors sonable restocking, replacement, as the remaining economic life of the facilities, public safety, customright-of-way and that is paved or or relocation requirements on the otherwise constructed with bitu-minous, concrete, aggregate, or replacement of such structure. cation Agreement. A small wireless facility shall only be collocated on the registrant. (D) Nuisance. Permit. Has the meaning given "right-of-way permit" in Minn. Stat. One year after passage of this chapter, any a small wireless support structure owned or controlled by the City, or any other City asset in the rightfacilities found in a right-of-way that have not been registered shall § 237.162. Permittee or Permit Holder. Any person to whom a permit to excaof-way, after the applicant has exbe deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, invate or obstruct a right-of-way has ecuted a standard small wireless facility collocation agreement with been granted by the City under this cluding, but not limited to, abating chapter. City. The standard collocation agreement shall be in addition the nuisance or taking possession of the facilities and restoring the Person. An individual or entity to, and not in lieu of, the required subject to the laws and rules of this right-of-way to a useable condition. state, however organized, whether small wireless facility permit, provided, however, that the applicant shall not be additionally required (E) Limitation of Space. To protect the health, safety, and welfare public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corof the public, or when necessary to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does to protect the right-of-way and its current use, the City shall have the porate, or political. Registrant. Any person who (1) not supersede, alter or affect any has or seeks to have its equipment power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making or facilities located in any right-of then-existing agreement between the City and applicant. way, or (2) in any way occupies or uses, or seeks to occupy or use, §98.12. SMALL WIRELESS FA such decisions, the City shall strive CILITY PERMIT APPLICATIONS
(A) Deadline for Action. the right-of-way or place its facilto the extent possible to accommodate all existing and potential users ities or equipment in the right-ofof the right-of-way, but shall be City shall approve or deny a small way wireless facility permit application within ninety (90) days after filing of guided primarily by considerations of the public interest, the public's Restore or Restoration. The pro cess by which an excavated right-of-way and surrounding area, insuch application. The small wire-less facility permit, and any asso-ciated building permit application, needs for the particular utility ser vice, the condition of the right-of-way, the time of year with respect cluding pavement and foundation, is returned to the same condition and life expectancy that existed to essential utilities, the protection shall be deemed approved if the City fails to approve or deny the application within the review periods of existing facilities in the right-of-way, and future City plans for pubbefore excavation. Restoration Cost. The amount of money paid to the City by a permittee to achieve the level of lic improvements and development established in this section. projects which have been determined to be in the public interest. (B) Consolidated Applications. An applicant may file a consolidatrestoration according to plates 1 to 13 of Minnesota Public Utilities ed small wireless facility permit ap §98.26. PRE-EXCAVATION FAplication addressing the proposed collocation of up to 15 small wire-Commission rules set forth in Min-CILITIES LOCATION. In addition to complying with nesota Rules, Parts 7819.9900 to the requirements of Minn. Stat §§. 7819.9950. less facilities, or a greater number if agreed to by a local government unit, provided that all small wireless 216D.01-.09 ("One Call Excavation Notice System") before the start Right-of-Way or Public Right-of-Way. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or public sidewalk in which the City has an date of any right-of-way excavafacilities in the application: tion, each registrant who has fa-cilities or equipment in the area to (1) Are located within a two-mile radius; be excavated shall mark the hori interest, including other dedicated (2) Consist of substantially similar equipment; and
(3) Are to be placed on similar zontal and vertical placement of all said facilities. Any registrant whose rights-of-way for travel purposes and utility easements of the City. A facilities are less than twenty (20) right-of-way does not include the types of wireless support strucairwaves above a right-of-way with regard to cellular or other non-wire inches below a concrete or asphalt surface shall notify and work close-In rendering a decision on a contelecommunications or broadcast solidated permit application, ly with the excavation contractor to City may approve some small wire-less facilities and deny others, but establish the exact location of its Right-of-Way Permit. The excavation permit or minor excavation facilities and the best procedure for may not use denial of one or more excavation. §98.27. DAMAGE TO OTHER FACILITIES. permits as a basis to deny all small wireless facilities in the application. permit, depending on the context, required by this chapter. (C) Tolling of Deadline. The 90-When the City does work in the Right-of-way User. (1) A telecommunications right-of-way day deadline for action on a small right-of-way and finds it necessary wireless facility permit application may be tolled if: user as defined by Minn. Stat., § 237.162, subd. 4; or (2) a person to maintain, support, or move a registrant's facilities to protect it, owning or controlling a facility in the right-of-way that is used or (1) The City receives applica-tions from one or more applicants the City shall notify the local representative as early as is reasonably intended to be used for providing seeking approval of permits for The costs associated more than 30 small wireless facilitherewith will be billed to that regisutility service, and who has a right ties within a seven-day period. In trant and must be paid within thirty under law, franchise, or ordinance to use the public right-of-way. such case, the City may extend the (30) days from the date of billing. Service or Utility Service. Includes, but is not limited to: (1) deadline for all such applications by 30 days by informing the af-Each registrant shall be responsible for the cost of repairing any those services provided by a pubfacilities in the right-of-way which it fected applicants in writing of such or its facilities damage. Each registrant shall be responsible for the lic utility as defined in Minn. Stat. § 216B.02, subds. 4 and 6; (2) (2) The applicant fails to submit cost of repairing any damage to services of a telecommunications all required documents or informathe facilities of another registrant caused during the City's response tion and the City provides written notice of incompleteness to the apright-of-way user, including transporting of voice or data informaplicant within 30 days of receipt the to an emergency occasioned by tion; (3) services of a cable communications systems as defined in Minn. Stat. Ch. 238; (4) natural application. Upon submission of that registrant's facilities additional documents or informa-§98.28. RIGHT-OF-WAY VACAtion, the City shall have ten days to gas or electric energy or telecom-If the City vacates a right-of-way that contains the facilities of a regmunications services provided by a governmental unit; (5) services notify the applicant in writing of any still-missing information. (3) The City and a small wireless istrant, the registrant's rights in the provided by a cooperative electric vacated right-of-way are governed by Minn. R. P. 7819.3200. association organized under Minn facility applicant agree in writing to toll the review period. Stat., ch. 308A; and (6) water, and §98.29. INDEMNIFICATION AND sewer, including service laterals, §98.13. PERMIT FEES steam, cooling, or heating services (A) Excavation Permit Fee. The LIABILITY. By registering with the City, or by Service Lateral. An underground City shall impose an excavation permit fee in an amount sufficient accepting a permit under this chap facility that is used to transmit, ter, a registrant or permittee agrees to defend and indemnify the City in distribute or furnish gas, electricito recover the following costs: ty, communications, or water from The City management costs; accordance with the provisions of a common source to an end-use Minn. Rule 7819.1250. §98.30. ABANDONED AND UNcustomer. A service lateral is also (2) Degradation costs, if applian underground facility that is used cable USABLE FACILITIES. (B) Minor Excavation Permit Fee. in the removal of wastewater from a The City shall impose a minor excavation permit fee in an amount customer's premises. Small Wireless Facility. A wire-(A) Discontinued Operations. A registrant who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the City sufficient to recover the City manless facility that meets both of the following qualifications: agement costs. (C) Small Wireless Facility Permit Each antenna is locatthat the registrant's obligations for The City shall impose a small ed inside an enclosure of no more its facilities in the right-of-way un-der this chapter have been lawfully than six cubic feet in volume or, in wireless facility permit fee in an amount sufficient to recover its: the case of an antenna that has exassumed by another registrant. (1) Management costs; and posed elements, the antenna and (2) City engineering, make-ready, and construction costs as-(B) Removal. Any registrant who has abandoned facilities in all its exposed elements could fit within an enclosure of no more than any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way sociated with collocation of small six cubic feet; and wireless facilities directly caused All other wireless equip by the applicant. ment associated with the small (D) Payment of Permit Fees. No wireless facility, excluding electric repair, excavation, or construction meters, concealment permit shall be issued without payunless this requirement is waived by the City. § 98.31. APPEAL. ment of the required fees. The City telecommunications demarcation may allow applicant to pay such boxes, battery backup power sysfees within thirty (30) days of billing. All permit fees shall be as adopted A right-of-way user that: (1) has been denied registration; (2) has tems, grounding equipment, power transfer switches, cutoff switches, by the City Schedule of Fees cable, conduit, vertical cable runs been denied a permit; (3) has had a for the connection of power and (E) Non Refundable. Permit fees permit revoked; (4) believes that the fees imposed are not in conformity other services, and any equipment concealed from public view within that were paid for a permit that the City has revoked for a breach with Minn. Stat. § 237.163, subd. 6; or behind an existing structure or concealment, is in aggregate no or (5) disputes a determination of the superintendent regarding Secas stated in Section 98.22 are not refundable. tion 98.23 (B) of this ordinance may more than 28 cubic feet in volume. (F) Application to Franchises. have the denial, revocation, fee imposition, or decision reviewed, A Small Wireless Facility shall Unless otherwise agreed to in a franchise, management costs may also include a micro wireless facility be charged separately from and in upon written request, by the City as defined in this section. Council. The City Council shall act on a timely written request at its Superintendent or Public Works Superintendent. The Superintenaddition to the franchise fees imposed on a right-of-way user in the next regularly scheduled meeting, dent of the Department of Public Works or his or her designee.
Supplementary Application. An application made to excavate or §98.14. RIGHT-OF-WAY PATCHprovided the right-of-way user has submitted its appeal with sufficient ING AND RESTORATION time to include the appeal as a reg-(A) Timing. The work to be done ular agenda item. A decision by the City Council affirming the denial, obstruct more of the right-of-way under the excavation permit, and the patching and restoration of than allowed in, or to extend, a per revocation, or fee imposition will be the right-of-way as required here mit that had already been issued. in, must be completed within the dates specified in the permit, inin writing and supported by written findings establishing the reason-Telecommunications of-way User. A person owning or controlling a facility in the right-ofableness of the decision creased by as many days as work way, or seeking to own or control a facility in the right-of-way that § 98.32. RESERVATION OF REGULATORY AND POLICE POW-RESERVATION OF could not be done because of circumstances beyond the control of the permittee or when work was is used or is intended to be used prohibited as unseasonal or unreafor providing wireless service, or A permittee's rights are subject to the regulatory and police powers telecommunication sonable under Section 98.17. transporting or other voice or data information. (B) Patch and Restoration. Per of the City to adopt and enforce mittee shall patch its own work. general ordinances as necessary to For purposes of this chapter, a ca-The City may choose either to have protect the negacing fare of the public.

98.33. CONSTRUCTION
TRAILS AND protect the health, safety, and welble communication system defined and regulated under Minn. Stat. ch. 238, and telecommunication the permittee restore the right-of-§ 98.33. CONSTRUCTION OF SIDEWALKS, TRAILS AND way or to restore the right-of-way itself activities related to providing natu-STREETS, ASSESSMENT THEREral gas or electric energy services. (1) City Restoration. If the City restores the right-of-way, permittee shall pay the costs thereof within a public utility as defined in Minn. Stat. § 216B.02, a municipality, a FOR. (A) All sidewalks, trails, and thirty (30) days of billing. If, follow streets in the City hereafter to be municipal gas or power agency or ganized under Minn. Stat. ch. 453 ing such restoration, the pavement built or rebuilt shall be constructed in accordance with City Engineersettles due to permittee's improper and 453A, or a cooperative electric ing Standards or as stated within backfilling, the permittee shall pay association organized under Minn. Stat. ch. 308A, are not telecommunications right-of-way users for to the City, within thirty (30) days of billing, all costs associated with executed site improvement agreement. purposes of this chapter except to correcting the defective work. (B) All sidewalks, trails, streets to be built or rebuilt in public right-of-way shall be constructed (2) Permittee Restoration. If the the extent such entity is offering permittee restores the right-of-way wireless service itself, it shall at the time of applicaaccording to approved plans and Temporary Surface. The comadopted City Engineering Stanpaction of subbase and aggregate tion for an excavation permit post a construction performance bond in base and replacement, in kind, accordance with the provisions of of the existing pavement only to (C) All sidewalks, trails, streets constructed by the City shall be built at the expense of the the edges of the excavation. It is Minn. Rule 7819.3000. temporary in nature except when (3) Degradation Fee in Lieu of Restoration. In lieu of right-of-way abutting property owner in accorthe replacement is of pavement inrestoration, a right-of-way user may elect to pay a degradation cluded in the City's two year project dance with the Assessment Policy for Public Streets adopted on July plan, in which case it is considered However, the right-of-way user full restoration. 22, 2013, as amended § 98.34. LOAD WEIGHT RE-STRICTIONS. Trench. An excavation in the shall remain responsible for patching and the degradation fee shall not include the cost to accomplish pavement, with the excavation having a length equal to or greater than (A) Purpose. Pursuant to Minn. Stat. § 169.87, as it may be amended from time to time, and as incorthe width of the pavement. these responsibilities. (C) Standards. The permittee Two Year Project Plan. A plan shall perform excavation, backfillporated by reference in Title VII, is which shows projects adopted by ing, patching, and restoration according to the standards and with a part hereof by reference thereto.(B) Weight Restrictions the City for construction within the next two years.
Utility Pole. A pole that is used the materials specified by the City (1) Axle weight limits are restrictin whole or in part to facilitate teleand shall comply with Minn. Rule ed on certain streets within the City to protect these streets from damcommunications or electric service. 7819.1100 Wireless Facility. Equipment at a fixed location that enables (D) Duty to Correct Defects. The age when road and weather condipermittee shall correct defects in tions warrant, in accordance with patching or restoration performed by permittee or its agents. The permittee upon notification from the City, shall correct all restoration State & City regulations. the provision of wireless services (2) All City streets will be posted between user equipment and a and limited to FIVE TON AXLE per axle weight limit. Residents are enwireless service network, including equipment associated with wire-less service, a radio transceiver, antenna, coaxial or fiber-optic cawork to the extent necessary, using couraged to plan ahead for moving or construction projects during the spring thaw season since weight the method required by the City Said work shall be completed withble, regular and backup power supin five (5) calendar days of the re restrictions will be enforced and plies, and a small wireless facility, large trucks will not be allowed on but not including wireless support ceipt of the notice from the City, not restricted streets. structures, wireline backhaul faciliincluding days during which work Weight restrictions cannot be done because of circum-Dates. ties, or cables between utility poles or wireless support structures, or stances constituting force majeure take effect during the spring thaw season, which is usually March 1st not otherwise immediately adjacent or days when work is prohibited as to May 15th, dependent upon the unseasonable or unreasonable unto and directly associated with a der §98.16. weather. The City follows the Seasonal Load Limits established by specific antenna. (E) Failure to Restore. If the Wireless Service. Any service the State of Minnesota. using licensed or unlicensed wireermittee fails to restore the right-(D) Exemptions. No exemptions or permits are given during this of-way in the manner and to the less spectrum, including the use of condition required by the City, or fails to satisfactorily and timely Wi-Fi, whether at a fixed location or time period, except for emergency by means of a mobile device, that is provided using wireless facilities. complete all restoration required by vehicles and utility company service vehicles. the City, the City at its option may Wireless service does not include services regulated under Title VI of do such work. In that event the per (E) Streets Regulated mittee shall pay to the City, within thirty (30) days of billing, the cost of (1) The City places these seasonal weight restrictions only on the Communications Act of 1934, as amended, including cable serrestoring the right-of-way. If permitstreets within City rights-of-way. vice. tee fails to pay as required, the City may exercise its rights under the construction performance bond. (2) All County roads are regulated by Washington County and Wireless Support Structure new or existing structure in a right-of-way designed to support or caall Highways are regulated by the pable of supporting small wireless §98.15. JOINT APPLICATIONS State of Minnesota. § 98.04. ADMINISTRATION.
The Public Works Superintendent is the principal City official responsible for the administration (3) Private roads are not regu-(A) Joint application. Registrants lated by the City, but by the home may jointly apply for permits to exowners associations or designated responsible party. The City does not maintain any information on cavate or obstruct the right-of-way at the same place and time. (B) Shared fees. Registrants who of the rights-of-way, right-of-way contracts for private roads.
(F) Road Authority Map. The apply for permits for the same obstruction or excavation, which the permits, and the ordinances related thereto. The Superintendent may delegate any or all of the duties City does not perform, may share superintendent shall maintain a dein the payment of the obstruction or excavation permit fee. In order tailed map containing road authoritailed map state ty information.

8 98.35. UNDERGROUNDING hereunder. 98.05. GENERAL REGULAto obtain a joint permit, registrants OF FACILITIES.

(A) Purpose of Undergrounding THE PUBLIC RIGHTS-TION OF must agree among themselves as OF-WAY. to the portion each will pay and (A) irements. Use Occupation and Ob The purpose of this Section struction of Streets and Sidewalks. (C) With City projects. Registrants who join in a scheduled ob-98.34 is to promote the health, No person shall use, occupy or obsafety, and general welfare of the struct or cause to be used, occupublic, and is intended to foster (i) pied or obstructed any street, sidestruction or excavation performed safe travel over the right of way, (ii) walk or other public right-of-way or ground within this City with any by the City, whether or not it is a joint application by two or more safety around homes and buildings tangible item so as to hinder free registrants or a single application, where overhead feeds are connectare not required to pay the excavaed, and (iii) orderly development in and open passage over the specition or obstruction and degradation the city consistent with its Comprefied portion of that right-of-way unhensive Plan. Location and reloca-tion, installation and reinstallation portions of the permit fee, but a permit would still be required. less the person, firm or corporation shall have first obtained a permit to of facilities in the right of way or SUPPLEMĖNTAL do so from the City in the manner herein provided. PLICATIONS. in or on other public ground must (B) Maintenance of Grass in Public Right-of-way Abutting Pri-(A) Limitation on Area. A rightbe made in accordance with this of-way permit is valid only for section 98.43 and is intended to vate Property. Notwithstanding the area of the right-of-way specified be enforced consistently with state exceptions noted in City Code Secand federal law regulating right-ofin the permit. No permittee may do any work outside the area specified tions 96.025 (C) and (D), property way users, to the fullest extent of in the permit, except as provided owners whose land abuts a public the city's statutory and common law authority. right-of-way shall be responsible herein. Any permittee which deterfor maintaining the grass in com-pliance with City Code Section mines that an area greater than that (B) Undergrounding of Facilities. All facilities newly installed, con-structed, or otherwise placed in specified in the permit must be ob-96.025, which prohibits noxious weeds and grass over 8" in height structed or excavated must, before working in that greater area: the public right of way, or in other public property held in common for public use, must be located and or grass which has gone to seed (1) Make application for a permit § 98.06. REGISTRATION AND extension and pay any additional fees required thereby, and RIGHT-OF-WAY OCCUPANCY. maintained underground pursuant to the terms and conditions of this section and in accordance with (A) Right-of-way Occupancy. No (2) Be granted a new permit or privately-owned structure, sign or permit extension. improvement shall be located with-(B) Limitation on Dates. A rightapplicable construction standards, of-way permit is valid only for the dates specified in the permit. No subject to the exceptions below. Above-ground installation, conin a public right-of-way with the exception of: struction, modification, or replace-(1) A mailbox for the use of repermittee may begin its work beceiving mail from the United States fore the permit start date or, except ment of existing meters, gauges, transformers, street lighting, pad Postal Service or a newspaper deas provided herein, continue worklivery. ing after the end date. If a permitmount switches, capacitor (2) Private driveways, driveway tee does not finish the work by the re-closers, small wireless facilities culverts and existing boulevard permit end date, it must apply for a and service connection pedestals plantings or gardens, provided the City is not required to maintain new permit for the additional time it shall be allowed, in addition to needs, and receive the new permit or an extension of the old permit above-ground placement of new small wireless facilities in complithese site improvements. (3) The City may, at its discrebefore working after the end date ance with Minn. Stat. and properly permitted by the city.
These requirements shall apply equally outside of the corporate tion, conduct maintenance on priof the previous permit. This supplevate improvements in the public mentary application must be submitted before the permit end date. right-of-way in order to address §98.17. OTHER OBLIGATIONS. limits of the city coincident with city issues related to safety and proper functioning of public infrastructure.
(4) Structures used by a telecommunications right-of-way (A) Compliance with Other Laws jurisdiction of platting, subdivision Obtaining a right-of-way permit regulation, or comprehensive plandoes not relieve permittee of its duty to obtain all other necessary ning as may now or in the future be user to support small wireless facilallowed by law. permits, licenses, and authority and (C) Undergrounding of Permaities. nent Replacement, Relocated, or (B) Registration. Each person to pay all fees required by the City Reconstructed Facilities. who occupies or uses, or seeks to or other applicable rule, law or regulation. A permittee shall comply occupy or use, the right-of-way or If the city finds that one or more place any equipment or facilities with all requirements of local, state of the purposes set forth in this and federal laws, including but not limited to Minn. Stat. §§ 216D.01in or on the right-of-way, including this Section would be promoted, the city may require a permanent persons with installation and mainreplacement, relocation, or reconstruction of a facility to be located tenance responsibilities by lease, .09 (Gopher One Call Excavation Notice System) and Minn. R., Ch. sublease, or assignment, must register with the City. Registration 7560. A permittee shall perform all and maintained underground, with work in conformance with all applidue regard for seasonal working conditions. For purposes of this will consist of providing application cable codes and established rules information. (C) Registration Prior to Work. and regulations, and is responsible subdivision, reconstruction means No person shall construct, install, for all work done in the right-of-way any substantial repair of or any improvement to existing facilities. repair, remove, relocate, or per-form any other work, or use any pursuant to its permit, regardless of who does the work. Undergrounding may be required, (B) Prohibited Work. Except in facilities or any part thereof, within whether a replacement, relocation, an emergency, and with the approval of the City, no right-of-way any right-of-way without first being registered with the City. Such or reconstruction is initiated by the right-of-way user owning or operregistration shall be made on a obstruction or excavation may be ating the facilities, or by the city in form provided by the City and shall be accompanied by the required done when seasonally prohibited or connection with (1) the present or when conditions are unreasonable future use by the city or other loregistration fee. A person seeking for such work. cal government unit of the right of to install a new wireless support structure for the siting of a small way or other public ground for a public project, (2) the public health (C) Interference with Right-ofway. A permittee shall not so obor safety, or (3) the safety and convenience of travel over the right of wireless facility in a right-of-way struct a right-of-way that the natushall comply with all requirements for such facilities, including obtainral free and clear passage of water through the gutters or other water way. Subject to subpart D below, all ways shall be interfered with. Private vehicles of those doing work in relocations from previously placed underground facilities shall be to ing a Conditional Use Permit if necessary, found in Chapter 153 of the another underground location. City Code. the right-of-way may not be parked §98.07. REGISTRATION INFORwithin or next to a permit area, un-(D) Exceptions to Underground-The following exceptions to the MATION. less parked in conformance with City parking regulations. The load (A) Information Required. The information provided to the City ing or unloading of trucks must be strict application of this subdivision at the time of registration shall indone solely within the defined pershall be allowed upon the condimit area unless specifically authoclude, but not be limited to: (1) Each registrant's name, tele rized by the permit. (1) Technical Feasibility; Promophone number, facsimile number, address, e-mail, Gopher One-Call (D) Trenchless excavation. As a tion of Policy. Above-ground instalcondition of all applicable permits, lation, construction, or placement registration certificate number, if permittees employing trenchless of facilities shall be allowed in resapplicable, and telephone and facexcavation methods, including but idential, commercial, and industrial not limited to Horizontal Directional areas where the Council, following simile numbers. Drilling, shall follow all requirements set forth in Minn. Stat. Ch. 216D (2) The name, consideration and recommendaemail address, and telephone and tion by the planning commission, and Minn. R., Ch. 7560 and shall facsimile numbers of a local reprerequire potholing or open cutting over existing underground utilities placement Underground sentative. The local representative is not technically feasible due to or designee shall be available at all before excavating, as determined topographical, subsoil, or other extimes. Current information regardby the superintendent. isting conditions which significantly ing how to contact the local repre

§ 98.18. DENIAL OR REVOCA-

(A) Reasons for Denial. The City

TION OF PERMIT.

sentative in an emergency shall be

provided at the time of registration.

(3) A certificate of insurance

and adversely affect underground

B. Failure to promote the pur-

facilities placement; or