



Executive Summary

City Council Workshop

AGENDA ITEM:	Ordinance No. 337 – Amendment to Chapter 7, Article 4: Right-of-Way Permits
PREPARED BY:	Jacob Kolander, City Administrator
RECOMMENDED ACTION:	Discussion

Summary:

This ordinance amendment comprehensively updates the City’s regulations governing the use of public rights-of-way, particularly as they pertain to the installation, maintenance, and operation of utility and wireless facilities. The proposed changes modernize the code to reflect current industry practices, clarify procedural requirements, and ensure compliance with state law.

Key updates include:

- **Reorganization and Clarification:** The ordinance has been restructured for clarity, separating registration, permit procedures, restoration, and enforcement into distinct sections.
- **Expanded Definitions:** New definitions have been added for terms such as *collocation*, *emergency*, *obstruction*, and *small wireless facility* to align with statutory language and industry standards.
- **Registration Requirements:** All entities seeking to occupy or use the right-of-way must now register with the City, providing insurance, contact information, and regulatory documentation.
- **Permit Streamlining:** The amendment consolidates and clarifies the types of permits required—excavation, obstruction, and small wireless facility permits—and outlines the conditions under which each is issued.
- **Small Wireless Facility Regulation:** Detailed provisions have been added to regulate the installation and operation of small wireless facilities, including height limits, separation requirements, and fee structures.
- **Restoration and Relocation:** Clear standards are established for restoring public ground after work and for relocating facilities at the City’s request or upon vacation of public ground.
- **Enforcement and Default:** Procedures for addressing company defaults and recovering costs are strengthened, including the use of posted security and indemnification clauses.
- **Vegetation and Abandonment:** New sections address vegetation management in rights-of-way and the removal of abandoned or unusable facilities.

Reasons for Amendment

- **Legal Compliance:** Aligns the City Code with Minnesota Statutes and Administrative Rules, including Gopher One Call and small wireless facility regulations.
- **Operational Efficiency:** Streamlines permitting and enforcement processes to reduce administrative burden and improve responsiveness.
- **Public Safety and Welfare:** Enhances the City's ability to manage right-of-way use in a manner that protects infrastructure, residents, and municipal interests.
- **Technological Modernization:** Accommodates emerging technologies and infrastructure needs, particularly in telecommunications.

Policy Citations

- Minnesota Statutes §§ 216D.01–.09
- Minnesota Rules ch. 7560 and 7819
- Federal and State regulations governing wireless infrastructure

This item is referred to the City Council for consideration and adoption at the next regular meeting.