

**AGENDA**  
**CITY OF ISANTI**  
**CITY COUNCIL COMMITTEE OF THE WHOLE MEETING**  
**TUESDAY, JUNE 15, 2021 – 5:00 P.M.**  
**CITY HALL**

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Public Comment**

**E. Committee Meeting Items**

- 1. Public Works Updates
- 2. American Rescue Funds Discussion
- 3. Small Small Business Request (*Steve Fredlund*)
- 4. Park Archery Range (*Councilmember Gordon*)
- 5. Editorial and Legal Analysis Review and Modifications to Ordinances
- 6. Speed Limit Sign and Crosswalk on 3<sup>rd</sup> Avenue Discussion (*Mayor Johnson*)
- 7. Ducks Discussion

**F. Adjournment**



## Memo for COW

**To:** Mayor Johnson and Members of the City Council  
**From:** Matt Sylvester, Public Services Director  
**Date:** June 15, 2021  
**Subject:** Public Works Updates

### Streets:

- Staff began fogging for mosquitoes last week.
- Staff has been busy spraying for weeds in bike paths and parking lots.
- Hot patching has been completed for now.
- Street painting has begun. This year we will be painting the Parade Route and high traffic areas.
- An early spring has left us with 400 tons of leftover salt that will be able to use next year.

### Storm:

- Staff has swept the entire town. We will sweep again on rainy days and before Jubilee Days begin.

### Sewer:

- Staff received some odor complaints that were coming from the Wastewater Treatment Plant. Although it is normal to have odors in the spring as the ponds turn over these lingered longer than normal. The odors were coming from pond 1. It is likely we received a shock from somewhere in the system that Pond 1 could not keep up with. Staff responded by taking the pond out of service. We then did some valve adjustments to give the pond more oxygen to help it recover. A pump was also brought in to create turbulence in the water which in turn creates more oxygen as well. The pond was out of service for about two weeks and is now back to normal operation.
- New pumps were installed at the 8<sup>th</sup> Ave lift station.

### Water:

- We have been setting record pumping levels at the Water Treatment Plant with the warm weather. We pumped 1.558 million gallons in a single day last week which is an all-time high. For the month of June we are averaging 1.28 million gallons per day. Last year in June we averaged 1.07 million gallons per day.
- The Well II Rehab work was completed on schedule and in time for Water Main Flushing.

### Parks:

- The Farmers Market opened on May 28.
- New bleachers have been installed at Unity Park.
- Curious Creatures was held at Bluebird Park today.



## Memo for Committee

**To:** Mayor Johnson and Members of the City Council  
**From:** Josi Wood, City Administrator  
**Date:** June 15, 2021  
**Subject:** Editorial and Legal Analysis Review and Modifications to Ordinances

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### **Background:**

Staff has continued to review City Code Chapters for the following:

- Correct and updated MN Statute references
- Consistencies of terminology within the Chapters and among the Chapters
- Legal analysis for compliance
- Inserting policies by Resolution that should be within Ordinance

As a part of the City Code project update that was initiated in 2020, General Code went through all the codified Chapters for an Editorial and Legal analysis (E & L). The purpose of the Editorial and Legal Analysis is to give City officials an overview of the codification project and to give an in-depth, chapter -by- chapter review of the City's Code. It is a guide to help facilitate areas of question and give an opportunity to have the City make revisions to legislation, if desired. Their complete analysis document, 204 pgs., was provided to Committee through your City email.

Staff is making the following recommendations:

1. Remove Chapter 29, Newsletter, as it is not necessary and no longer applicable. Current Ch 29 attached.
2. Repeal and Replace Chapter 312, Unclaimed Property. Replacement Ch 312 attached.
3. Repeal and Replace Chapter 257, Right of Way Management, includes Small Cell Wireless collocation and aesthetic guidelines. Redline changes and final replacement Ch 257 attached as well as the following documents:
  - Revised ROW Permit Application
  - Drafted Small Cell Wireless/Pole Attachment Permit Application
  - Amendment to Chapter 160, Fees, to include Small Cell Wireless and supporting fees
4. Uncodify Chapter A343, Gas Distribution Franchise, to a stand-alone Chapter (similar to other franchise agreements) and update as it is currently expired.
5. Review and discuss Staff's recommended Code revisions as provided in the E & L Analysis and summarized in the E & L Overview document. Attached.

**ORDINANCE NO. XXX**

**AN ORDINANCE AMENDING ORDINANCE NO. 146, ADOPTED ON JANUARY 17, 1989  
AND TITLED UNCLAIMED PROPERTY**

**THE CITY COUNCIL OF ISANTI DOES ORDAIN:**

**Section 1 – Repealer.** Ordinances 146, titled Unclaimed Property, codified in Chapter 312 of the City Code, are hereby repealed in their entirety and replaced with the ordinance set forth below.

**Section 2 – Ordinance.** The following Chapter 312 is hereby adopted:

**Chapter 312  
Unclaimed Property**

**§ 312-1 Custody of Property.**

**§ 312-2 Disposition of Property.**

**§ 312-3 Summary Disposal.**

**§ 312-4 Disposition of Funds.**

**§ 312-5 Special Provisions: Police Department.**

**§ 312-6 Disposition of Abandoned Motor Vehicles.**

**§ 312-1 Custody of Property.**

The chief of police or designee will take custody of all personal property, including lost money, lawfully coming into the possession of the city and city employees in the course of municipal operations and remaining unclaimed by the owner. The chief of police or designee must retain the property in a safe place for a period of at least 90 days, unless claimed by the true owner with satisfactory proof of ownership. The chief or designee must keep a record of the property, including its disposition.

**§ 312-2 Disposition of Property.**

Property held in custody by the chief of police or designee and not claimed by the true owner within 90 days will be deemed abandoned. The chief of police or designee may dispose of abandoned property in one of the following ways:

- A. sell the property at public sale following 10 days published notice in the official newspaper;
- B. return lost property to its finder;
- C. convert usable property to city use; or

D. donate the property to a tax-exempt, non-profit organization.

Property not purchased at a sale may then be disposed of by the chief or designee in any reasonable manner.

**§ 312-3 Summary Disposal.**

The chief of police or designee may dispose of unclaimed property without notice and in a summary manner when he/she believes this to be in the public interest and if he/she determines that the property:

- A. is of a dangerous or perishable nature;
- B. is contraband;
- C. has no resale value; or
- D. cannot be legally or safely sold at public sale.

**§ 312-4 Disposition of Funds.**

Together with found money that has been held for three months, the chief of police or designee must deliver all money that was received from the sale of abandoned property to the finance director. If no claim has been made by the former owner with satisfactory proof of ownership, found money may be returned to the finder; otherwise, the money will revert to the city's general fund.

**§ 312-5 Special Provisions: Police Department.**

Money and other property lawfully seized by, or voluntarily surrendered to, the city at the scene of a crime or during an official police investigation must be retained by the chief of police or designee in a safe place for at least 90 days. If not lawfully claimed by the true owner with adequate proof of ownership during that time, non-monetary property may be sold at public sale after 10 days published notice, converted to city use, or given to a tax-exempt, non-profit organization. Sale proceeds and seized money may then be deposited in the police department forfeiture and seizure account to be used only for law enforcement purposes.

**§ 312-6 Disposition of Abandoned Motor Vehicles.**

The chief of police or designee must dispose of abandoned motor vehicles by following the procedure in Minn. Stat. § 168B.01 through §168B.101.

**Section 3 -Effective Date.**

This ordinance shall take effect upon its passage and publication in the official City newspaper.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Mayor Jeff Johnson

Attest:

\_\_\_\_\_  
Jaden Strand  
City Clerk

Posted on:  
Adopted on:  
Published on:  
Effective Date:

## ORDINANCE NO. XXX

AN ORDINANCE AMENDING ORDINANCE NO. 693, ADOPTED ON AUGUST 8, 2018 AND TITLED RIGHT-OF-WAY MANAGEMENT

THE CITY COUNCIL OF ISANTI DOES ORDAIN:

**Section 1 – Repealer.** Ordinance 693, titled Right-Of-Way, codified in Chapter 257 of the City Code, are hereby repealed in their entirety and replaced with the ordinance set forth below.

**Section 2 – Ordinance.** The following Chapter 257 is hereby adopted:

### Chapter 257

#### RIGHT-OF-WAY MANAGEMENT

- |   |  |
|---|--|
| §257-1. Findings, purpose and intent.   | §257- <del>14</del> <u>5</u> . Supplementary applications.                             |
| §257-2. Election to manage public rights-of-way.  | §257- <del>15</del> <u>6</u> . Other obligations                                       |
| §257-3. Definitions.  | §257- <del>16</del> <u>7</u> . Denial or revocation of permit.                         |
| §257-4. Administration.   | §257- <del>17</del> <u>8</u> . Installation requirements.                              |
| §257-5. <del>Permit requirement.</del>  | §257- <del>18</del> <u>9</u> . Inspection  |
| <del>Registration and right-of-way occupancy.</del>   | §257- <del>19</del> <u>20</u> . Work done without permit.                              |
| §257-6. <del>Registration information</del> Permit applications.  | §257- <del>20</del> <u>1</u> . Supplementary notification.                             |
| §257-7. <del>Reporting obligations</del> Small cell wireless permit applications.   | §257- <del>21</del> <u>2</u> . Revocation of permits.                                  |
| §257-8. <del>Permit requirement</del> Action on small cell wireless permit applications.                                      | §257- <del>22</del> <u>3</u> . Mapping data.   |
| <del>§257-9. Permit applications.</del>   | §257- <del>23</del> <u>4</u> . Location and relocation of facilities.                  |
| §257- <del>9</del> <u>10</u> . Issuance of permit; conditions.  | §257- <del>24</del> <u>5</u> . Pre-excavation facilities location.                     |
| §257- <del>10</del> <u>1</u> . <del>Action on small wireless facility permit application</del> Small cell facility agreement. | §257- <del>25</del> . <u>Small cell location requirements.</u>                         |
| §257- <del>11</del> <u>2</u> . Right-of-way work <u>&amp; small cell wireless</u> permit fees.                                | §257- <del>26</del> . <u>Aesthetic requirements for small cell wireless facilities</u> |
| §257- <del>12</del> <u>3</u> . Right-of-way patching and restoration.   | §257- <del>27</del> <u>6</u> . Damage to other facilities.                             |
| §257- <del>13</del> <u>4</u> . Joint applications.  | §257- <del>28</del> <u>7</u> . Right-of-way vacation.                                  |
|   | §257- <del>29</del> <u>8</u> . Indemnification and liability.                          |
|   | §257- <del>30</del> <u>29</u> . Abandoned and unusable facilities.                     |
|   | §257- <del>31</del> <u>30</u> . Appeal.  |

**§257-3~~21~~. Reservation of regulatory and police powers.**

**§257-3~~22~~. Severability.**

**§ 257-1**

**Findings, purpose, and intent.**

- A. To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the City of Isanti strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.
- B. ~~Accordingly,~~ The City of Isanti hereby enacts this ~~new~~ chapter of this code relating to right-of-way ~~and small cell wireless~~ permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons ~~constructing~~, excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.
- C. This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and 2017 Minnesota Laws, Chapter 94, Article 9, amending the Act, and the other laws governing applicable rights of the City and users of the right-of-way. This chapter shall also be interpreted consistent with Minnesota Rules 7819.0050 - 7819.9950 and Minnesota Rules, Chapter 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

**§ 257-2**

**Election to manage public rights-of-way.**

Pursuant to the authority granted to the City under state and federal statutory, administrative and common law, the City hereby elects, pursuant to Minn. Stat. § 237.163 Subdivision 2(b), to manage rights-of-way within its jurisdiction.

**§ 257-3**

**Definitions.**

The following definitions apply in this chapter. References hereafter to "sections" are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

#### **ABANDONED FACILITY**

A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

#### **APPLICANT**

Any person requesting permission to excavate or obstruct a right-of-way or requesting permission to collocate a small cell wireless facility.

#### **CITY**

The City of Isanti, Minnesota. For purposes of § 257-29, "City" also means the City's elected officials, officers, employees, and agents.

#### **COL-LOCATE OR COL-LOCATION**

To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the City or other governmental unit.

#### **COMMISSION**

The State of Minnesota Public Utilities Commission.

#### **CONGESTED RIGHT-OF-WAY**

A crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minn. Stat. § 216D.04, Subdivision 3, over a continuous length in excess of 500 feet.

#### **CONSTRUCTION PERFORMANCE BOND**

Any of the following forms of security provided at permittee's option and approved by the City:

- A. Individual project bond;
- B. Cash deposit;
- C. Security of a form listed or approved under Minn. Stat. § 15.73, Subdivision 3;
- D. Letter of credit, in a form acceptable to the City;
- E. Self-insurance, in a form acceptable to the City;
- F. A blanket bond for projects within the City, or other form of construction bond, for a time specified and in a form acceptable to the City.

#### **DELAY PENALTY**

The penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

#### **DEPARTMENT**

The Public Works or Engineering Department of the City of Isanti.

**DIRECTOR**

~~The City Administrator, or her or his designee.~~

**EMERGENCY**

A condition that:

- A. Poses a danger to life or health, or of a significant loss of property; or
- B. Requires immediate repair or replacement of facilities in order to restore service to a customer.

**EQUIPMENT**

Any tangible asset used to install, repair, or maintain facilities in any right-of-way.

**EXCAVATE**

To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

**EXCAVATION PERMIT**

~~The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right-of-way. An excavation permit allows the holder to excavate that part of the right-of-way described in such permit.~~

**EXCAVATION PERMIT FEE**

~~Money paid to the City by an applicant to cover the costs as provided in § 257-13.~~

**FACILITY or FACILITIES**

Any tangible asset in the right-of-way required to provide utility service.

**FIVE-YEAR PROJECT PLAN**

Shows projects adopted by the City for construction within the next five years.

**HIGH DENSITY CORRIDOR**

A designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

**HOLE**

An excavation in the pavement, with the excavation having a length less than the width of the pavement.

**LOCAL REPRESENTATIVE**

A local person or persons, or designee of such person or persons, authorized by an applicant or permittee~~registrant~~ to accept service and to make decisions for that ~~registrant~~applicant or permittee regarding all matters within the scope of this chapter.

**MANAGEMENT COSTS**

The actual costs the City incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and

restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the City including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the City, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minn. Stat. § 237.162 or 237.163; or any ordinance enacted under those sections, or the City fees and costs related to appeals taken pursuant to § 257-31 of this chapter.

### **OBSTRUCT**

To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

### **OBSTRUCTION PERMIT**

~~The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way, for the duration specified therein.~~

### **OBSTRUCTION PERMIT FEE**

~~Money paid to the City by a permittee to cover the costs as provided in § 257-13.~~

### **PATCH or PATCHING**

A method of pavement replacement that is temporary in nature. A patch consists of the compaction of the subbase and aggregate base, and the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the City's five-year project plan.

### **PAVEMENT**

Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

### **PERMIT**

~~Has the meaning given "right of way permit" in Minn. Stat § 237.162. The permit which, pursuant to this chapter, must be obtained before a person may excavate or obstruct in a right-of-way or collocate a small cell wireless facility. An permit allows the permittee to work in that part of the right-of-way and do such work described and approved in such permit.~~

### **PERMIT FEE**

~~Money paid to the City by an applicant to cover the costs as provided in § 257-11.~~

### **PERMITTEE**

Any person to whom a permit to excavate, ~~or~~ obstruct or collocate in the a right-of-way has been granted by the City under this chapter.

**PERSON**

An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

**PROBATION**

The status of a person that has not complied with the conditions of this chapter.

**PROBATIONARY PERIOD**

One year from the date that a person has been notified, in writing, that they have been put on probation.

**PUBLIC RIGHT-OF-WAY or RIGHT-OF-WAY**

The area on, below, or above a public roadway, highway, street, alley, bicycle path, or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. This includes all public grounds. A right-of-way does not include the airwaves above a right-of-way or public grounds with regard to cellular or other non-wire telecommunications or broadcast service.

**REGISTRANT**

~~Any person who:~~

- ~~A. Has or seeks to have its equipment or facilities located in any right-of-way; or~~
- ~~B. In any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right-of-way.~~

**RESTORATION COST**

The amount of money paid to the City by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission Rules.

**RESTORE or RESTORATION**

The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

**RIGHT-OF-WAY PERMIT**

Either the excavation permit or the obstruction permit, or small wireless facility, depending on the context, required by this chapter.

**RIGHT-OF-WAY USER**

- A. A telecommunications right-of-way user as defined by Minn. Stat., § 237.162, Subdivision 4; or
- B. A person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

**SERVICE LATERAL**

An underground facility that is used to transmit, distribute or furnish natural gas, electricity, communications, and water from a common source to an end-use customer. A service

lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

#### **SERVICE or UTILITY SERVICE**

Includes:

- A. Those services provided by a public utility as defined in Minn. Stat. § 216B.02, Subdivision 4 and 6;
- B. Services of a telecommunications right-of-way user, including transporting of voice or data information;
- C. Services of a cable communications systems as defined in Minn. Stat. Chapter 238;
- D. Natural gas or electric energy or telecommunications services provided by the City;
- E. Services provided by a cooperative electric association organized under Minn. Stat. Chapter 308A; and
- F. Water and sewer, including service laterals, steam, cooling, or heating services.

#### **SMALL WIRELESS FACILITY**

A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- B. All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

#### **SUPPLEMENTARY APPLICATION**

An application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

#### **TELECOMMUNICATIONS RIGHT-OF-WAY USER**

A person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. Chapter 238 and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. § 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chapter 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chapter 308A are not telecommunications right-of-way users for purposes of this chapter except to the extent such entity is offering wireless service.

### **TEMPORARY SURFACE**

The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the City's two-year plan, in which case it is considered full restoration.

### **TRENCH**

An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

### **TWO YEAR PROJECT PLAN**

Shows projects adopted by the City for construction within the next two years.

### **UTILITY POLE**

A pole that is used in whole or in part to facilitate telecommunications or electric service.

### **WIRELESS FACILITY**

Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

### **WIRELESS SERVICE**

Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Federal Communications Act of 1934, as amended, including cable service.

### **WIRELESS SUPPORT STRUCTURE**

A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the City. Also referred to as a pole.

### **§ 257-4**

#### **Administration.**

The City Administrator or her/his designee is the principal City official responsible for the administration of the rights-of-way, right-of-way permits, small cell wireless permits and the ordinances related thereto. The City Administrator or her/his designee may delegate any or all of the duties hereunder.

### **~~§ 257-5~~**

#### **~~Registration and right of way occupancy.~~**

- ~~A. Registration. Each person who occupies or uses, or seeks to occupy or use, the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease, or assignment, must register with the City. Registration will consist of providing application information.~~

~~B. Registration prior to work. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the City.~~

~~C. Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a City Code permitting persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb, in conformance with the Zoning Ordinance. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chapter 216D, Gopher One Call Law.~~

#### **§ 257-6**

##### **Registration information:**

~~A. Information required. The information provided to the City at the time of registration shall include, but not be limited to:~~

~~(1) Each registrant's name, Gopher One Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.~~

~~(2) The name, address, and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.~~

~~(3) Certificate of insurance:~~

~~a) A certificate of insurance or self insurance:~~

~~1. Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state of Minnesota, or a form of self insurance acceptable to the City;~~

~~2. Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use and occupancy of the right-of-way by the registrant, its officers, agents, employees, and permittees, and placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;~~

~~3. Naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;~~

~~4. Requiring that the City be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and~~

~~5. Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by~~

~~the City in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this chapter.~~

- ~~b) The City may require a copy of the actual insurance policies.~~
- ~~e) If the person is a corporation, a copy of the certificate is required to be filed under Minn. Stat. § 300.06 as recorded and certified to by the secretary of state.~~
- ~~d) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.~~

~~B. Notice of changes. The registrant shall keep all of the information listed above current at all times by providing to the City information as to changes within 15 days following the date on which the registrant has knowledge of any change.~~

#### **~~§ 257-7~~**

##### **~~Reporting obligations.~~**

###### **~~A. Operations:~~**

- ~~(1) Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the City. Such plan shall be submitted using a format designated by the City and shall contain the information determined by the City to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way. The plan shall include, but not be limited to, the following information:~~
  - ~~a) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next year project"); and~~
  - ~~b) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a "five year project").~~
- ~~(2) The term "project" in this section shall include both next year projects and five-year projects.~~
- ~~(3) By January 1 of each year, the City will have available for inspection in the City's office a composite list of all projects of which the City has been informed of the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.~~
- ~~(4) Thereafter, by February 1, each registrant may change any project in its list of next year projects, and must notify the City and all other registrants of all such~~

~~changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next year project of another registrant listed by the other registrant.~~

~~**B.** Additional next year projects. Notwithstanding the foregoing, the City will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the City if the registrant has used commercially reasonable efforts to anticipate and plan for the project.~~

## **§ 257-58**

### **Permit requirement.**

~~**A.** Right of way work p~~Permit required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way, or install or place facilities in the right-of-way, without first having obtained the appropriate right-of-way work ~~or small cell wireless~~ permit from the City to do so.

~~**A.B.**~~ Right-of-way work permits cover the following activities:

- (1) Excavation. A right-of-way permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.
- (2) Obstruction. A right-of-way permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An additional permit for obstruction is not required if a person already possesses a valid right-of-way permit for excavation with the same project.

~~(3) Small wireless facility. A right-of-way permit is required by a registrant to erect or install a wireless support structure, to co-locate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right of way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.~~

~~**C.** Small cell wireless/pole attachment permits cover the following activity:~~

- ~~(1) A Small cell wireless/pole attachment permit is required by a registrant to erect or install a wireless support structure, to co-locate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.~~

~~**B.D.**~~ Permit extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and a new permit or permit extension is granted.

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~~C.E.~~ Delay penalty. In accordance with Minnesota Rules 7819.1000, Subpart 3, and notwithstanding Subsection B of this section, the City shall establish and impose 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 City Council resolution.

~~D.F.~~ Permit display. Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the City.

#### **§ 257-69**

##### **Right-of-Way Permit applications.**

Application for a permit is made to the City. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

~~A. Registration with the City pursuant to this chapter.~~

~~B.A.~~ Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.

~~C.B.~~ Payment of money due the City for:

(1) Permit fees, estimated restoration costs, and other management costs;

(2) Prior obstructions or excavations;

(3) Any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;

(4) Franchise fees or other charges, if applicable.

~~D.C.~~ Payment of disputed amounts due to the City by posting security or depositing in an escrow account. Escrow amount determined in the City Fee Schedule. an amount equal to at least 110% of the amount owing.

~~E.D.~~ Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the City deems the existing construction performance bond inadequate under applicable standards.

##### **§ 257-7 Small Cell Wireless Permit Applications.**

Prior to placing, installing, modifying, relocating or removing a small wireless facility or wireless support structure in the ROW, or to collocating a wireless facility on an existing wireless support structure in the ROW, the operator shall apply for and receive a permit from the City. The City may require additional information as reasonably necessary to evaluate the application and the impact of the proposed installation(s) on the public health, safety and welfare or on use or management of the ROW.

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- A. Proof of agent designation (if applicable). If the applicant is serving as an agent of a small wireless operator, the applicant must provide written documentation of the agent designation signed by the operator.
- B. Map. The applicant must include an aerial map showing the location of the proposed or existing support structure to which the small wireless facility is proposed to be attached, or from which a small wireless facility is proposed to be removed.
- C. Photo simulations. For all applications to locate small wireless facilities in the ROW, the applicant shall provide photo simulations from at least two reasonable line-of-site locations near the proposed project site. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic.
- D. Consolidated applications. An applicant seeking to construct, modify, collocate or replace more than one small wireless facility or more than one wireless support structure within the City may file a consolidated application for multiple small wireless facility requests or wireless support structure requests; provided the requests grouped on a consolidated application only address substantially the same type of small wireless facilities or substantially the same type of wireless support structures. (Note: The City may treat each request individually during application review and processing and when issuing a determination or applying these guidelines.)
- E. Site and other plans and structural calculations. The applicant must include fully dimensioned site plans, elevation drawings and structural calculations that depict any known existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements, and the legal boundaries of the existing right-of-way and any associated access and utility easements. Fully dimensioned site plans shall indicate the spacing from existing curb, driveways, sidewalks, light poles and any other poles or appurtenances.
- F. Full description of number and dimensions of facilities and/or structures to be installed. The applicant must include a full description of the number and dimensions of all small wireless facilities proposed to be installed and the wireless support structure, either new or existing, to be utilized for each small wireless facility. For all equipment proposed to be installed, the applicant must include: (1) the manufacturer's name and model number; (2) physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; and (3) the ambient noise level generated from the equipment, if any.
- G. Owner's authorization. For any application to attach a small wireless facility to a wireless support structure that is not owned by the City, the applicant must submit evidence sufficient to show that either: (1) applicant owns the proposed support structure; or (2) applicant has obtained the owner's written authorization to file the application.

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**§ 257-8 Action on small cell wireless permit applications.**

- A. Deadline for action. The City shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be

deemed approved if the City fails to approve or deny the application within the review periods established in this section.

**B. Consolidated applications.**

(1) An applicant may file a consolidated small wireless facility permit application addressing the proposed co-location of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

a) Are located within a two-mile radius;

b) Consist of substantially similar equipment; and

c) Are to be placed on similar types of wireless support structures.

(2) In rendering a decision on a consolidated permit application, the City may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

**C. Tolling of deadline.** The ninety-day deadline for action on a small wireless facility permit application may be tolled if:

(1) The City receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the City may extend the deadline for all such applications by 30 days by informing the affected applicants, in writing, of such extension.

(2) The applicant fails to submit all required documents or information and the City provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the City shall have 10 days to notify the applicant, in writing, of any still-missing information.

(3) The City and a small wireless facility applicant agree, in writing, to toll the review period.

**§ 257-~~910~~**

**Issuance of permit; conditions.**

- A.** Permit issuance. If the applicant has satisfied the requirements of this chapter, the City shall issue a permit.
- B.** Conditions. The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minn. Stat. §§ 216D.01 to 216D.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560.
- C.** Small wireless facility conditions. In addition to Subsection B, the erection or installation of a wireless support structure, the co-location of a small wireless

facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

- (1) A small wireless facility shall only be co-located on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
- (2) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the City's written authorization, provided that the City may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
- (3) No wireless facility may extend more than 10 feet above its wireless support structure.
- (4) Where an applicant proposes to install a new wireless support structure in the right-of-way, the City may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- (5) Where an applicant proposes co-location on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the City may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.

- (6) Where an applicant proposes to replace a wireless support structure, the City may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

**D. Limitations.** ~~While the City fully intends to apply the guidelines established in Chapter 257 uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In this case, City staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this Chapter.~~

**D. § 257-10. Small wireless facility agreement.**

- A. A small cell wireless facility shall only be co-located on a small wireless support structure owned or controlled by the City, or any other City asset in the right-of-way, after the applicant has executed a standard small wireless facility co-location agreement with the City. ~~The City shall collect rental, maintenance and electrical service fees as per the City Fee Resolution.~~

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- B. The standard col-location agreement shall be in addition to, and not in lieu of, the required small cell wireless ~~facility~~ permit; provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to co-locate. Issuance of a small cell wireless ~~facility~~ permit does not supersede, alter or affect any then-existing agreement between the City and applicant.

#### **§ 257-11**

##### **Action on small wireless facility permit applications.**

- ~~A. Deadline for action. The City shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the City fails to approve or deny the application within the review periods established in this section.~~
- ~~B. Consolidated applications.~~
- ~~(1) An applicant may file a consolidated small wireless facility permit application addressing the proposed co-location of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:~~
- ~~a) Are located within a two-mile radius;~~
- ~~b) Consist of substantially similar equipment; and~~
- ~~c) Are to be placed on similar types of wireless support structures.~~
- ~~(2) In rendering a decision on a consolidated permit application, the City may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.~~
- ~~C. Tolling of deadline. The ninety-day deadline for action on a small wireless facility permit application may be tolled if:~~
- ~~(1) The City receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the City may extend the deadline for all such applications by 30 days by informing the affected applicants, in writing, of such extension.~~
- ~~(2) The applicant fails to submit all required documents or information and the City provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the City shall have 10 days to notify the applicant, in writing, of any still missing information.~~
- ~~(3) The City and a small wireless facility applicant agree, in writing, to toll the review period.~~

#### **§ 257-11<sup>2</sup>**

##### **Right-of-way work and small cell wireless permit fees.**

A. Excavation. The City shall impose a right-of-way work permit fee in an amount sufficient to recover City management costs for excavations. The fee shall be per the City fee schedule.

B. Obstruction. The City shall impose a right-of-way work permit fee in an amount sufficient to recover City management costs for obstructions (unless combined with a permit for excavations).

~~B.C.~~ Street Cutting. The City shall impose fees for street cutting and an escrow in addition to the right-of-way work permit per the City Fee Schedule.

~~C.D.~~ Small wireless facility. The City shall impose a ~~right-of-way work~~small cell wireless permit fee for a small wireless facility in an amount sufficient to recover:

(1) Management costs; and

(2) City engineering, make-ready, and construction costs associated with col-location of small wireless facilities.

~~(2)(3)~~ Engineering fees are calculated on actual engineering staff time. Additional time necessary to review based upon complexity of application may be billed to the applicant.

~~D.E.~~ Payment of permit fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The City may allow applicant to pay such fees within 30 days of billing.

~~E.F.~~ Nonrefundable. Permit fees that were paid for a permit that the City has revoked for a breach as stated in § 257-231 are not refundable.

~~F.G.~~ Application to franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

#### **§ 257-123**

##### **Right-of-way patching and restoration.**

A. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under § 257-167.

B. Patch and restoration. The permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(1) City restoration. If the City restores the right-of-way, permittee shall pay the costs thereof within 30 days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall

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pay to the City, within 30 days of billing, all costs associated with correcting the defective work.

- (2) Permittee restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000.

- C. Standards. The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the City and shall comply with Minnesota Rules 7819.1100.
- D. Duty to correct defects. The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the City, shall correct all restoration work to the extent necessary, using the method required by the City. Said work shall be completed within five calendar days of the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under § 257-176.
- E. Failure to restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

#### § 257-134

##### Joint applications.

- A. Joint application. ~~Registrants~~ Applicants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.
- B. Shared fees. Applicants ~~Registrants~~ who apply for permits for the same obstruction or excavation, which the City does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, Applicants ~~registrants~~ must agree among themselves as to the portion each will pay and indicate the same on their applications.
- C. With City projects. Applicants ~~Registrants~~ who join in a scheduled obstruction or excavation performed by the City, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

#### § 257-145

##### Supplementary applications.

- A. Limitation on area. A right-of-way or small cell wireless permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any

permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area, make application for a permit extension and pay any additional fees required thereby, and be granted a new permit or permit extension.

- B. Limitation on dates. A right-of-way or small cell wireless permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

#### § 257-1~~56~~

##### **Other obligations.**

- A. Compliance with other laws. Obtaining a right-of-way or small cell wireless permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the City or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minn. Stat. §§ 216D.01 to 216D.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- B. Prohibited work. Except in an emergency, and with the approval of the City, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- C. Interference with right-of-way. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
- D. Trenchless excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to horizontal directional drilling, shall follow all requirements set forth in Minn. Stat. Chapter 216D and Minnesota Rules Chapter 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the Director.

#### § 257-1~~67~~

##### **Denial or revocation of permit.**

- A. Reasons for denial. The City may deny a permit for failure to meet the requirements and conditions of this chapter or if the City determines that the denial is necessary to protect the health, safety, and welfare of the public or when necessary to protect the right-of-way and its current use.
- B. Procedural requirements. The denial or revocation of a permit must be made in writing and must document the basis for the denial. The City must notify the applicant or right-of-way user, in writing, within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the City and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The City must approve or deny the resubmitted application within 30 days after submission.

#### § 257-178

##### **Installation requirements.**

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat. §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the City in the applicable permits and/or agreements referenced in § 257-23B of this chapter.

#### § 257-189

##### **Inspection.**

- A. Notice of completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rules 7819.1300 if requested by the City.
- B. Site inspection. The permittee shall make the work site available to the City and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work if requested by the City.
- C. Authority of ~~Director~~City.
  - (1) At the time of inspection, the ~~Director~~City Administrator or Designee may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.
  - (2) The City Administrator or Designee ~~Director~~ may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within 10 days after issuance of the order, the permittee shall present proof to the Director that the violation has been corrected. If such proof has not been presented within the required time, the City Administrator or Designee ~~Director~~ may revoke the permit pursuant to § 257-213.

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§ 257-~~1920~~

**Work done without permit.**

**A. Emergency situations.**

- (1) Each ~~registrant~~ applicant shall immediately notify the City Administrator or Designee Director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.
- (2) If the City becomes aware of an emergency regarding a ~~registrant's~~ applicant's facilities, the City will attempt to contact the local representative of each ~~registrant~~ applicant affected, or potentially affected, by the emergency. In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the ~~registrant~~ applicant whose facilities occasioned the emergency.

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- B. Nonemergency situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay additional fees double the normal fee for said permit, pay double all the other fees required by the City ~~determined in the City Code~~ Fee Schedule, Chapter 160, deposit with the City the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

§ 257-~~201~~

**Supplementary notification.**

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the City of the accurate information as soon as this information is known.

§ 257-~~212~~

**Revocation of permits.**

- A. Substantial breach.** The City reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited to, the following:
- (1) The violation of any material provision of the right-of-way permit.
  - (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens.

- (3) Any material misrepresentation of fact in the application for a right-of-way permit.
- (4) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control.
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to § 257-~~1920~~.

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- B. Written notice of breach.** If the City determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the City shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the City, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.
- C. Response to notice of breach.** Within 24 hours of receiving notification of the breach, the permittee shall provide the City with a plan, acceptable to the City, that will cure the breach. The permittee's failure to so contact the City, or the permittee's failure to timely submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the permit. Further, the permittee's failure to so contact the City, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan shall automatically place the permittee on probation for one full year.
- D. Cause for probation.** From time to time, the City may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.
- E. Automatic revocation.** If a permittee, while on probation, commits a breach as outlined above, the permittee's permit will automatically be revoked and the permittee will not be allowed further permits for one full year, except for emergency repairs.
- F. Reimbursement of City costs.** If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

#### § 257-~~223~~

##### **Mapping data.**

- A. Information required.** Each ~~registrant and~~ permittee shall provide mapping information required by the City in accordance with Minnesota Rules 7819.4000

and 7819.4100. ~~Within 90 days of~~ Following completion of any work pursuant to a permit, the permittee shall provide the City Administrator or Designee ~~Director~~ accurate maps and drawings certifying the "as-built" location of all equipment installed, owned, and maintained by the permittee upon request. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the City's electronic mapping system, when practical or as a condition imposed by the City Administrator or Designee ~~Director~~. Failure to provide maps and drawings pursuant to this subsection shall may be grounds for ~~revoking the permit holder's registration denying future permit applications.~~

**B. Service laterals.** All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150, Subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the City Administrator or Designee ~~Director~~ reasonably requires it. Permittees or their subcontractors shall submit to the City Administrator or Designee ~~Director~~ evidence satisfactory to the City Administrator or Designee ~~Director~~ of the installed service lateral locations. Compliance with this subsection and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after December 31, 2005, shall be a condition of any City approval necessary for:

- (1) Payments to contractors working on a public improvement project, including those under Minn. Stat. Chapter 429; and
- (2) City approval under development agreements or other subdivision or site plan approval under Minn. Stat. Chapter 462. The City Administrator or Designee ~~Director~~ shall reasonably determine the appropriate method of providing such information to the City. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.

#### **§ 257-234**

##### **Right-of-way Location and relocation of facilities.**

- A.** Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to the City.
- B. Corridors.**
- (1) The City may 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, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

(2) Any ~~registrant~~ permittee who has facilities in the right-of-way in a position at variance with the corridors established by the City shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs, and hardship to the ~~registrant~~ permittee.

~~C. Nuisance. One year after the passage of this chapter, any facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.~~

~~D.C.~~ D.C. Limitation of space. To protect the health, safety, and welfare of the public, or when necessary to protect the right-of-way and its current use, the City shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

#### **§ 257-24~~5~~**

##### **Pre-excavation facilities location.**

In addition to complying with the requirements of Minn. Stat. §§ 216D.01 to 216D.09 ("One Call Excavation Notice System"), before the start date of any right-of-way excavation, each ~~registrant~~ permittee who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any ~~registrant~~ permittee whose facilities are less than 20 inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

#### **§ 257-25 Small cell location requirements**

##### **A. Most preferable locations.**

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

- (1) Industrial Districts if not adjacent to a park, residential district or historic district.
- (2) Highway Rights of Way areas if not adjacent to a park, or residential district.
- (3) Commercial Districts if not adjacent to a park, or residential district.

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B. Collocation preference. It is the City's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support structures.

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C. Least preferable locations. The following are the least preferred areas for new small wireless facilities in the order of preference (2 being least preferable).

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(1) Residential Districts

(2) Parks

D. Consideration of alternate locations. The City reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

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E. Guidelines on placement. The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

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The following additional guidelines on placement shall apply:

(1) Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.

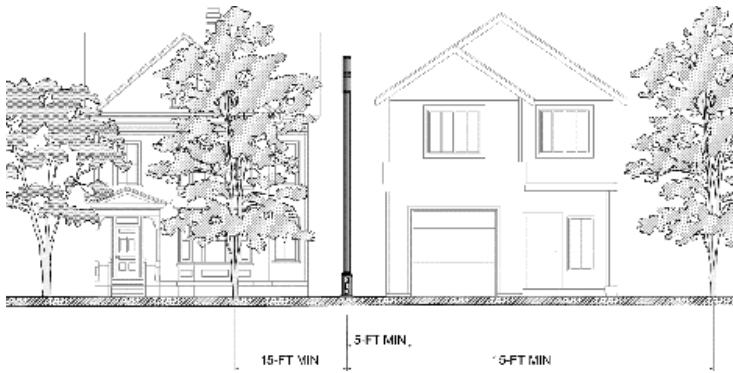
(2) A combination wireless support structure and streetlight pole should only be located where an existing pole (usually Connexus Energy or East Central Energy) can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.

(3) Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.

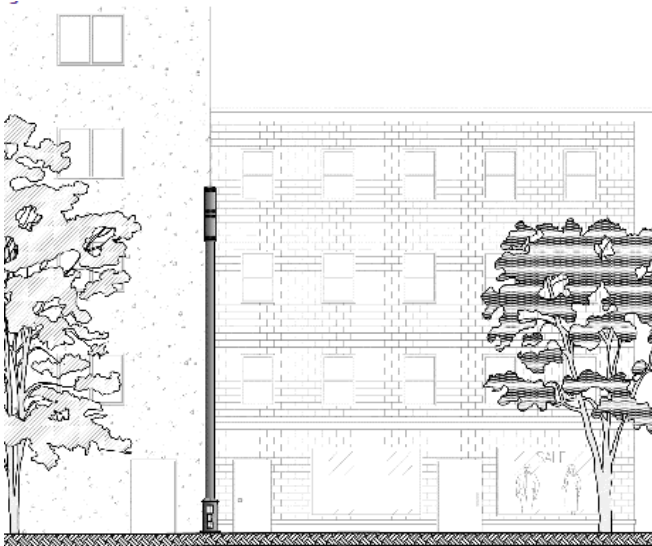
(4) Small wireless facilities and wireless support structures shall be

- located in a manner that does not obstruct the legal use of a ROW by a utility provider.
- (5) Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
  - (6) Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
  - (7) Small wireless facilities and wireless support structures shall be located in alignment with existing trees to the extent there are Blvd trees to be in alignment with, utility poles, and streetlights.
  - (8) Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
  - (9) Small wireless facilities and wireless support structures shall be located with applicable clearance from existing utilities.
  - (10) Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
  - (11) Small wireless facilities and wireless support structures shall not be located within vision triangles at street intersections.
  - (12) New wireless poles shall not be located directly in front of any existing residential, commercial or industrial structure. (Figure 1)
  - (13) To the greatest extent possible, new wireless poles shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the City where multiple poles abut each other and/or where no side lot setback requirements exist, new wireless poles shall not be located directly in front of an entrance or window of any existing structure. (Figure 2)

Figure 1 – Example of Acceptable Location Between Residential Homes:



*Figure 2 – Example of Acceptable Location Between Commercial Buildings:*



**F. Limitations.** While the City fully intends to apply the guidelines established in this policy uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In these case, City staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this policy.

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## **§ 257-26 Aesthetic requirements for small cell wireless facilities**

### **A. Antennas**

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(1) Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.

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(2) The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.

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(3) All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the wireless support structure noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point. Antennas must not exceed the building height requirements in their respective zoning district by more than ten 10' feet, with a maximum height of 50' feet.

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(4) Tree "topping" or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.

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B. Cables and wires. All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

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C. Colors. All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

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D. Equipment enclosures/ concealment/ maintenance.

(1) Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic

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placement in less obtrusive locations and placement within existing or replacement street furniture.

(2) Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.

(3) Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

(4) All equipment enclosures shall be maintained in good condition. They shall be completely sealed with a secured access. The small cell company and/or right-of-way user must take reasonable care and measures to prevent damage to their facilities. Open, broken or unsealed enclosures shall be considered a public nuisance under City Code Chapter 216.

E. Signage/ logos/ lights/ decals/ cooling fans.

(1) Signage. The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

(2) Lights. New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

(3) Logos/ Decals. The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

(4) Cooling Fans. In residential areas, the small wireless facility

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operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

**§ 257-2~~76~~<sup>6</sup>**

**Damage to other facilities.**

When the City does work in the right-of-way and finds it necessary to maintain, support, or move a ~~registrant's permittees~~ facilities to protect it, the City shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that ~~registrant permittee~~ and must be paid within 30 days from the date of billing. Each ~~registrant permittee~~ shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each ~~registrant permittee~~ shall be responsible for the cost of repairing any damage to the facilities of another ~~registrant permittee~~ caused during the City's response to an emergency occasioned by that ~~registrant's permittee's~~ facilities.

**§ 257-2~~87~~<sup>8</sup>**

**Right-of-way vacation.**

Reservation of right. If the City vacates a right-of-way that contains the facilities of a ~~registrant permittee~~, the ~~registrant's permittee's~~ rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

**§ 257-2~~98~~<sup>9</sup>**

**Indemnification and liability.**

By ~~registering with the City, or by~~ accepting a permit under this chapter, a ~~registrant or~~ permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rules 7819.1250.

**§ 257-3~~029~~<sup>0</sup>**

**Abandoned and unusable facilities.**

- A. Discontinued operations. A ~~registrant permittee~~ who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the City that the ~~registrant's permittee's~~ obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another ~~registrant permittee~~.
- B. Removal. Any ~~registrant permittee~~ who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the City.

**§ 257-3~~10~~<sup>1</sup>**

**Appeal.**

~~An applicant or permittee-right-of-way user~~ that has been denied ~~registration; has been denied~~ a permit; has had a permit revoked; believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subdivision 6; or disputes a determination of the Director regarding § 257-24B of this chapter may have the denial, revocation, fee

imposition, or decision reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

§ 257-3~~21~~

**Reservation of regulatory and police powers.**

A permittee's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

§ 257-3~~32~~

**Severability.**

If any portion of this chapter is for any reason 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 remaining portions thereof. Nothing in this chapter precludes the City from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

**Section 3 – Effective Date.**

This ordinance shall take effect upon its passage and publication in the official City newspaper.

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mayor Jeff Johnson

Attest:

\_\_\_\_\_  
Jaden Strand  
City Clerk

Posted on:  
Adopted on:  
Published on:  
Effective Date:

## **ORDINANCE NO. XXX**

### **AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 693, ADOPTED ON AUGUST 8, 2018 AND TITLED RIGHT-OF-WAY MANAGEMENT**

#### **THE CITY COUNCIL OF ISANTI DOES ORDAIN:**

**Section 1 – Repealer.** Ordinance 693, titled Right-of-Way Management, as amended, codified in Chapter 257 of the City Code, is hereby repealed in its entirety and replaced with the ordinance set forth below.

**Section 2 – Ordinance.** The following Chapter 257 is hereby adopted:

### **Chapter 257**

#### **RIGHT-OF-WAY MANAGEMENT**

- |   |  |
|---|--|
| §257-1. Findings, purpose and intent.                         | §257-17. Installation requirements.                                |
| §257-2. Election to manage public rights-of-way.              | §257-18. Inspection  |
| §257-3. Definitions.  | §257-19. Work done without permit.                                 |
| §257-4. Administration.                                       | §257-20. Supplementary notification.                               |
| §257-5. Permit requirement.                                   | §257-21. Revocation of permits.                                    |
| §257-6. Permit applications.                                  | §257-22. Mapping data.   |
| §257-7. Small cell wireless permit applications.              | §257-23. Location and relocation of facilities.                    |
| §257-8. Action on small cell wireless permit applications.    | §257-24. Pre-excavation facilities location.                       |
| §257-9. Issuance of permit; conditions.                       | §257-25. Small cell location requirements.                         |
| §257-10. Small cell facility agreement.                       | §257-26. Aesthetic requirements for small cell wireless facilities |
| §257-11. Right-of-way work & small cell wireless permit fees. | §257-27. Damage to other facilities.                               |
| §257-12. Right-of-way patching and restoration.               | §257-28. Right-of-way vacation.                                    |
| §257-13. Joint applications.                                  | §257-29. Indemnification and liability.                            |
| §257-14. Supplementary applications.                          | §257-30. Abandoned and unusable facilities.                        |
| §257-15. Other obligations                                    | §257-31. Appeal.   |
| §257-16. Denial or revocation of permit.                      | §257-32. Reservation of regulatory and police powers.              |
|   | §257-33. Severability.   |

**§ 257-1 Findings, purpose, and intent.**

- A. To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the City of Isanti strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.
- B. The City of Isanti hereby enacts this chapter relating to right-of-way and small cell wireless permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons constructing within, excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.
- C. This chapter shall be interpreted consistently with Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act"), and the other laws governing applicable rights of the City and users of the right-of-way. This chapter shall also be interpreted consistent with Minnesota Rules 7819.0050 - 7819.9950 and Minnesota Rules, Chapter 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

**§ 257-2 Election to manage public rights-of-way.**

Pursuant to the authority granted to the City under state and federal statutory, administrative and common law, the City hereby elects, pursuant to Minn. Stat. § 237.163 Subdivision 2(b), to manage rights-of-way within its jurisdiction.

**§ 257-3 Definitions.**

The following definitions apply in this chapter. References hereafter to "sections" are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

**ABANDONED FACILITY**

A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

**APPLICANT**

Any person requesting permission to excavate or obstruct a right-of-way or requesting permission to collocate a small cell wireless facility.

**CITY**

The City of Isanti, Minnesota. For purposes of § 257-29, "City" also means the City's elected officials, officers, employees, and agents.

### **COLLOCATE OR COLLOCATION**

To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the City or other governmental unit.

### **COMMISSION**

The State of Minnesota Public Utilities Commission.

### **CONGESTED RIGHT-OF-WAY**

A crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minn. Stat. § 216D.04, Subdivision 3, over a continuous length in excess of 500 feet.

### **CONSTRUCTION PERFORMANCE BOND**

Any of the following forms of security provided at permittee's option and approved by the City:

- A. Individual project bond;
- B. Cash deposit;
- C. Security of a form listed or approved under Minn. Stat. § 15.73, Subdivision 3;
- D. Letter of credit, in a form acceptable to the City;
- E. Self-insurance, in a form acceptable to the City;
- F. A blanket bond for projects within the City, or other form of construction bond, for a time specified and, in a form, acceptable to the City.

### **DELAY PENALTY**

The penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

### **DEPARTMENT**

The Public Works or Engineering Department of the City of Isanti.

### **EMERGENCY**

A condition that:

- A. Poses a danger to life or health, or of a significant loss of property; or
- B. Requires immediate repair or replacement of facilities in order to restore service to a customer.

### **EQUIPMENT**

Any tangible asset used to install, repair, or maintain facilities in any right-of-way.

### **EXCAVATE**

To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

### **FACILITY or FACILITIES**

Any tangible asset in the right-of-way required to provide utility service.

### **FIVE-YEAR PROJECT PLAN**

A document listing projects adopted by the City for construction within the next five years.

### **HIGH DENSITY CORRIDOR**

A designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

### **HOLE**

An excavation in the pavement, with the excavation having a length less than the width of the pavement.

### **LOCAL REPRESENTATIVE**

A local person or persons, or designee of such person or persons, authorized by an applicant or permittee to accept service and to make decisions for that applicant or permittee regarding all matters within the scope of this chapter.

### **MANAGEMENT COSTS**

The actual costs the City incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the City including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the City, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minn. Stat. § 237.162 or 237.163; or any ordinance enacted under those sections, or the City fees and costs related to appeals taken pursuant to § 257-31 of this chapter.

### **OBSTRUCT**

To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

### **PATCH or PATCHING**

A method of pavement replacement that is temporary in nature. A patch consists of the compaction of the subbase and aggregate base, and the replacement, in kind, of the existing

pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the City's five-year project plan.

#### **PAVEMENT**

Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

#### **PERMIT**

The permit which, pursuant to this chapter, must be obtained before a person may excavate or obstruct in a right-of-way or collocate a small cell wireless facility. An permit allows the permittee to work in that part of the right-of-way and do such work described and approved in such permit.

#### **PERMIT FEE**

Money paid to the City by an applicant to cover the costs as provided in § 257-11.

#### **PERMITTEE**

Any person to whom a permit to excavate, obstruct or collocate in the right-of-way has been granted by the City under this chapter.

#### **PERSON**

An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

#### **PROBATION**

The status of a person that has not complied with the conditions of this chapter.

#### **PROBATIONARY PERIOD**

One year from the date that a person has been notified, in writing, that they have been put on probation.

#### **PUBLIC RIGHT-OF-WAY or RIGHT-OF-WAY**

The area on, below, or above a public roadway, highway, street, alley, bicycle path, or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. This includes all public grounds. A right-of-way does not include the airwaves above a right-of-way or public grounds with regard to cellular or other non-wire telecommunications or broadcast service.

#### **RESTORATION COST**

The amount of money paid to the City by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission Rules.

#### **RESTORE or RESTORATION**

The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

**RIGHT-OF-WAY PERMIT**

Either the excavation permit or the obstruction permit, or small wireless facility, depending on the context, required by this chapter.

**RIGHT-OF-WAY USER**

- A. A telecommunications right-of-way user as defined by Minn. Stat., § 237.162, Subdivision 4; or
- B. A person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

**SERVICE LATERAL**

An underground facility that is used to transmit, distribute or furnish natural gas, electricity, communications, and water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

**SERVICE or UTILITY SERVICE**

Includes:

- A. Those services provided by a public utility as defined in Minn. Stat. § 216B.02, Subdivision 4 and 6;
- B. Services of a telecommunications right-of-way user, including transporting of voice or data information;
- C. Services of a cable communications systems as defined in Minn. Stat. Chapter 238;
- D. Natural gas or electric energy or telecommunications services provided by the City;
- E. Services provided by a cooperative electric association organized under Minn. Stat. Chapter 308A; and
- F. Water and sewer, including service laterals, steam, cooling, or heating services.

**SMALL WIRELESS FACILITY**

A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- B. All other wireless equipment associated with the small wireless facility is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

## **SUPPLEMENTARY APPLICATION**

An application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

## **TELECOMMUNICATIONS RIGHT-OF-WAY USER**

A person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. Chapter 238 and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. § 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chapter 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chapter 308A are not telecommunications right-of-way users for purposes of this chapter except to the extent such entity is offering wireless service.

## **TEMPORARY SURFACE**

The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the City's two-year plan, in which case it is considered full restoration.

## **TRENCH**

An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

## **TWO YEAR PROJECT PLAN**

Shows projects adopted by the City for construction within the next two years.

## **UTILITY POLE**

A pole that is used in whole or in part to facilitate telecommunications or electric service.

## **WIRELESS FACILITY**

Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

## **WIRELESS SERVICE**

Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Federal Communications Act of 1934, as amended, including cable service.

## **WIRELESS SUPPORT STRUCTURE**

A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the City. Also referred to as a pole.

**§ 257-4 Administration.**

The City Administrator or her/his designee is the principal City official responsible for the administration of the rights-of-way, right-of-way permits, small cell wireless permits and the ordinances related thereto. The City Administrator or her/his designee may delegate any or all of the duties hereunder.

**§ 257-5 Permit requirement.**

A. Permit required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way, or install or place facilities in the right-of-way, without first having obtained the appropriate right-of-way work or small cell wireless permit from the City to do so.

B. Right-of-way work permits cover the following activities:

- (1) Excavation. A right-of-way permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.
- (2) Obstruction. A right-of-way permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An additional permit for obstruction is not required if a person already possesses a valid right-of-way permit for excavation with the same project.

C. Small cell wireless/pole attachment permits cover the following activity:

- (1) A Small cell wireless/pole attachment permit is required to erect or install a wireless support structure, to co-locate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

D. Permit extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and a new permit or permit extension is granted.

E. Delay penalty. In accordance with Minnesota Rules 7819.1000, Subpart 3, and notwithstanding Subsection B of this section, the City shall establish and impose 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 City Council resolution.

- F. Permit display. Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the City.

**§ 257-6 Right-of-Way Permit applications.**

Application for a permit is made to the City. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

- A. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- B. Payment of money due the City for:
  - (1) Permit fees, estimated restoration costs, and other management costs;
  - (2) Prior obstructions or excavations;
  - (3) Any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;
  - (4) Franchise fees or other charges, if applicable.
- C. Payment of disputed amounts due to the City by posting security or depositing in an escrow account. Escrow amount determined in the City Fee Schedule.
- D. Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the City deems the existing construction performance bond inadequate under applicable standards.

**§ 257-7 Small Cell Wireless Permit Applications.**

Prior to placing, installing, modifying, relocating or removing a small wireless facility or wireless support structure in the ROW, or to collocating a wireless facility on an existing wireless support structure in the ROW, the operator shall obtain a permit from the City. The City may require additional information as reasonably necessary to evaluate the application and the impact of the proposed installation(s) on the public health, safety and welfare or on use or management of the ROW.

- A. Proof of agent designation (if applicable). If the applicant is serving as an agent of a small wireless operator, the applicant must provide written documentation of the agent designation signed by the operator.
- B. Map. The applicant must include an aerial map showing the location of the proposed or existing support structure to which the small wireless facility is proposed to be attached, or from which a small wireless facility is proposed to

be removed.

- C. Photo simulations. For all applications to locate small wireless facilities in the ROW, the applicant shall provide photo simulations from at least two reasonable line-of-site locations near the proposed project site. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic.
- D. Consolidated applications. An applicant seeking to construct, modify, collocate or replace more than one small wireless facility or more than one wireless support structure within the City may file a consolidated application for up to 15 small wireless facility requests or wireless support structure requests, provided the requests grouped on a consolidated application only address substantially the same type of small wireless facilities or substantially the same type of wireless support structures, and provided that all small wireless facilities in the application are located within a two-mile radius. (Note: The City may treat each request individually during application review and processing and when issuing a determination or applying these guidelines.)
- E. Site and other plans and structural calculations. The applicant must include fully dimensioned site plans, elevation drawings and structural calculations that depict any known existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements, and the legal boundaries of the existing right-of-way and any associated access and utility easements. Fully dimensioned site plans shall indicate the spacing from existing curb, driveways, sidewalks, light poles and any other poles or appurtenances.
- F. Full description of number and dimensions of facilities and/or structures to be installed. The applicant must include a full description of the number and dimensions of all small wireless facilities proposed to be installed and the wireless support structure, either new or existing, to be utilized for each small wireless facility. For all equipment proposed to be installed, the applicant must include: (1) the manufacturer's name and model number; (2) physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; and (3) the ambient noise level generated from the equipment, if any.
- G. Owner's authorization. For any application to attach a small wireless facility to a wireless support structure that is not owned by the City, the applicant must submit evidence sufficient to show that either: (1) applicant owns the proposed support structure; or (2) applicant has obtained the owner's written authorization to file the application.

**§ 257-8 Action on small cell wireless permit applications.**

- A. Deadline for action. The City shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be

deemed approved if the City fails to approve or deny the application within the review periods established in this section.

**B. Consolidated applications.**

- (1) In rendering a decision on a consolidated permit application, the City may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

**C. Tolling of deadline.** The ninety-day deadline for action on a small wireless facility permit application may be tolled if:

- (1) The City receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the City may extend the deadline for all such applications by 30 days by informing the affected applicants, in writing, of such extension.
- (2) The applicant fails to submit all required documents or information and the City provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the City shall have 10 days to notify the applicant, in writing, of any still-missing information.
- (3) The City and a small wireless facility applicant agree, in writing, to toll the review period.

**§ 257-9 Issuance of permit; conditions.**

- A. Permit issuance. If the applicant has satisfied the requirements of this chapter, the City shall issue a permit.
- B. Conditions. The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minn. Stat. §§ 216D.01 to 216D.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560.
- C. Small wireless facility conditions. In addition to Subsection B, the erection or installation of a wireless support structure, the co-location of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:
  - (1) A small wireless facility shall only be co-located on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.

- (2) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the City's written authorization, provided that the City may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
- (3) No wireless facility may extend more than 10 feet above its wireless support structure.
- (4) Where an applicant proposes to install a new wireless support structure in the right-of-way, the City may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- (5) Where an applicant proposes co-location on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the City may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
- (6) Where an applicant proposes to replace a wireless support structure, the City may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

D. Limitations. While the City fully intends to apply the guidelines established in Chapter 257 uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In this case, City staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this Chapter.

**§ 257-10. Small wireless facility agreement.**

- A. A small cell wireless facility shall only be collocated on a small wireless support structure owned or controlled by the City, or any other City asset in the right-of-way, after the applicant has executed a standard small wireless facility co-location agreement with the City.
- B. The standard collocation agreement shall be in addition to, and not in lieu of, the required small cell wireless permit; provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to co-locate. Issuance of a small cell wireless permit does not supersede, alter or affect any then-existing agreement between the City and applicant.

**§ 257-11 Right-of-way work and small cell wireless permit fees.**

- A. Excavation. The City shall impose a right-of-way work permit fee in an amount sufficient to recover City management costs for excavations. The fee shall be per the City fee schedule.

- B. Obstruction. The City shall impose a right-of-way work permit fee in an amount sufficient to recover City management costs for obstructions (unless combined with a permit for excavations).
- C. Street Cutting. The City shall impose fees for street cutting and require an escrow in addition to the right-of-way work permit per the City Fee Schedule.
- D. Small wireless facility. The City shall impose a small cell wireless permit fee for a small wireless facility in an amount sufficient to recover:
  - (1) Management costs; and
  - (2) City engineering, make-ready, and construction costs associated with collocation of small wireless facilities.
  - (3) Engineering fees are based on actual engineering staff time. Additional time necessary to review based upon complexity of application may be billed to the applicant.
- E. Payment of permit fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The City may allow applicant to pay such fees within 30 days of billing.
- F. Nonrefundable. Permit fees that were paid for a permit that the City has revoked for a breach as stated in § 257-21 are not refundable.
- G. Application to franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

**§ 257-12 Right-of-way patching and restoration.**

- A. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under § 257-16.
- B. Patch and restoration. The permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.
  - (1) City restoration. If the City restores the right-of-way, permittee shall pay the costs thereof within 30 days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the City, within 30 days of billing, all costs associated with correcting the defective work.
  - (2) Permittee restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction

performance bond in accordance with the provisions of Minnesota Rules 7819.3000.

- C. Standards. The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the City and shall comply with Minnesota Rules 7819.1100.
- D. Duty to correct defects. The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the City, shall correct all restoration work to the extent necessary, using the method required by the City. Said work shall be completed within five calendar days of the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under § 257-16.
- E. Failure to restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

#### **§ 257-13 Joint applications.**

- A. Joint application. Applicants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.
- B. Shared fees. Applicants who apply for permits for the same obstruction or excavation, which the City does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, Applicants must agree among themselves as to the portion each will pay and indicate the same on their applications.
- C. With City projects. Applicants who join in a scheduled obstruction or excavation performed by the City, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

#### **§ 257-14 Supplementary applications.**

- A. Limitation on area. A right-of-way or small cell wireless permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area, make application for a permit extension and pay any additional fees required thereby, and be granted a new permit or permit extension.
- B. Limitation on dates. A right-of-way or small cell wireless permit is valid only for the dates specified in the permit. No permittee may begin its work before the

permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

**§ 257-15 Other obligations.**

- A. Compliance with other laws. Obtaining a right-of-way or small cell wireless permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the City or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minn. Stat. §§ 216D.01 to 216D.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- B. Prohibited work. Except in an emergency, and with the approval of the City, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- C. Interference with right-of-way. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
- D. Trenchless excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to horizontal directional drilling, shall follow all requirements set forth in Minn. Stat. Chapter 216D and Minnesota Rules Chapter 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the Director.

**§ 257-16 Denial or revocation of permit.**

- A. Reasons for denial. The City may deny a permit for failure to meet the requirements and conditions of this chapter or if the City determines that the denial is necessary to protect the health, safety, and welfare of the public or when necessary to protect the right-of-way and its current use.
- B. Procedural requirements. The denial or revocation of a permit must be made in writing and must document the basis for the denial. The City must notify the applicant or right-of-way user, in writing, within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the City and resubmit its

application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The City must approve or deny the resubmitted application within 30 days after submission.

**§ 257-17 Installation requirements.**

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat. §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the City in the applicable permits and/or agreements referenced in § 257-23B of this chapter.

**§ 257-18 Inspection.**

- A. Notice of completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with Minnesota Rules 7819.1300 if requested by the City.
- B. Site inspection. The permittee shall make the work site available to the City and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work if requested by the City.
- C. Authority of City.
  - (1) At the time of inspection, the City Administrator or Designee may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.
  - (2) The City Administrator or Designee may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within 10 days after issuance of the order, the permittee shall present proof to the Director that the violation has been corrected. If such proof has not been presented within the required time, the City Administrator or Designee may revoke the permit pursuant to § 257-21.

**§ 257-19 Work done without permit.**

- A. Emergency situations.
  - (1) Each facility owner shall immediately notify the City Administrator or Designee of any event regarding its facilities that it considers to be an emergency. The facility owner may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two business days after the occurrence of the emergency, the facility owner shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring

itself into compliance with this chapter for the actions it took in response to the emergency.

- (2) If the City becomes aware of an emergency regarding right-of-way facilities, the City will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the facility owner whose facilities occasioned the emergency.

- B. Nonemergency situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay additional fees required by the City as set forth in the City Fee Schedule, Chapter 160, deposit with the City the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

**§ 257-20 Supplementary notification.**

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the City of the accurate information as soon as this information is known.

**§ 257-21 Revocation of permits.**

- A. Substantial breach. The City reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited to, the following:

- (1) The violation of any material provision of the right-of-way permit.
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens.
- (3) Any material misrepresentation of fact in the application for a right-of-way permit.
- (4) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control.
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to § 257-19.

- B. Written notice of breach. If the City determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the City shall make a written demand upon the permittee to remedy such violation. The demand shall state that

continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the City, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

- C. Response to notice of breach. Within 24 hours of receiving notification of the breach, the permittee shall provide the City with a plan, acceptable to the City, that will cure the breach. The permittee's failure to so contact the City, or the permittee's failure to timely submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the permit. Further, the permittee's failure to so contact the City, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan shall automatically place the permittee on probation for one full year.
- D. Cause for probation. From time to time, the City may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.
- E. Automatic revocation. If a permittee, while on probation, commits a breach as outlined above, the permittee's permit will automatically be revoked and the permittee will not be allowed further permits for one full year, except for emergency repairs.
- F. Reimbursement of City costs. If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

**§ 257-22 Mapping data.**

- A. Information required. Each permittee shall provide mapping information required by the City in accordance with Minnesota Rules 7819.4000 and 7819.4100. Following completion of any work pursuant to a permit, the permittee shall provide the City Administrator or Designee accurate maps and drawings certifying the "as-built" location of all equipment installed, owned, and maintained by the permittee upon request. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the City's electronic mapping system, when practical or as a condition imposed by the City Administrator or Designee. Failure to provide maps and drawings pursuant to this subsection may be grounds for denying future permit applications.
- B. Service laterals. All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150, Subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the City Administrator or Designee reasonably requires it. Permittees or their subcontractors shall submit to the City

Administrator or Designee evidence satisfactory to the City Administrator or Designee of the installed service lateral locations. Compliance with this subsection and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after December 31, 2005, shall be a condition of any City approval necessary for:

- (1) Payments to contractors working on a public improvement project, including those under Minn. Stat. Chapter 429; and
- (2) City approval under development agreements or other subdivision or site plan approval under Minn. Stat. Chapter 462. The City Administrator or Designee shall reasonably determine the appropriate method of providing such information to the City. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or the denial of future permits to the offending permittee or its subcontractors.

**§ 257-23 Right-of-way Location and relocation of facilities.**

- A. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to the City.
- B. Corridors.
  - (1) The City may 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, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.
  - (2) Any person who has facilities in the right-of-way in a position at variance with the corridors established by the City shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs, and hardship to the facility owner.
- C. Limitation of space. To protect the health, safety, and welfare of the public, or when necessary, to protect the right-of-way and its current use, the City shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the

right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

**§ 257-24 Pre-excavation facilities location.**

In addition to complying with the requirements of Minn. Stat. §§ 216D.01 to 216D.09 ("One Call Excavation Notice System"), before the start date of any right-of-way excavation, each permittee who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any permittee whose facilities are less than 20 inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

**§ 257-25 Small cell location requirements**

A. Most preferable locations.

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

- (1) *Industrial Districts* if not adjacent to a park, residential district or historic district.
- (2) *Highway Rights of Way* areas if not adjacent to a park, or residential district.
- (3) *Commercial Districts* if not adjacent to a park, or residential district.

B. Collocation preference. It is the City's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support structures.

C. Least preferable locations. The following are the least preferred areas for new small wireless facilities in the order of preference (2 being least preferable).

- (1) Residential Districts
- (2) Parks

D. Consideration of alternate locations. The City reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

E. Guidelines on placement. The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility

and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

The following additional guidelines on placement shall apply:

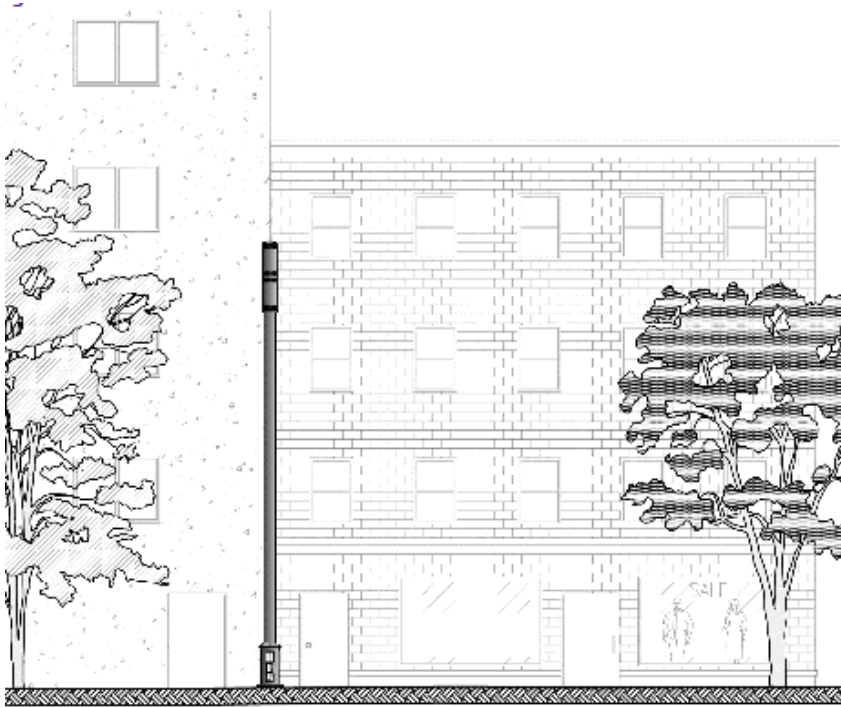
- (1) Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
- (2) A combination wireless support structure and streetlight pole should only be located where an existing pole (usually Connexus Energy or East Central Energy) can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- (3) Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
- (4) Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a ROW by a utility provider.
- (5) Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
- (6) Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- (7) Small wireless facilities and wireless support structures shall be located in alignment with existing trees to the extent there are Blvd trees to be in alignment with, utility poles, and streetlights.
- (8) Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- (9) Small wireless facilities and wireless support structures shall be located with applicable clearance from existing utilities.
- (10) Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.

- (11) Small wireless facilities and wireless support structures shall not be located within vision triangles at street intersections.
- (12) New wireless poles shall not be located directly in front of any existing residential, commercial or industrial structure. (Figure 1)
- (13) To the greatest extent possible, new wireless poles shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the City where multiple poles abut each other and/or where no side lot setback requirements exist, new wireless poles shall not be located directly in front of an entrance or window of any existing structure. (Figure 2)

*Figure 1 – Example of Acceptable Location Between Residential Homes:*



*Figure 2 – Example of Acceptable Location Between Commercial Buildings:*



F. **Limitations.** While the City fully intends to apply the guidelines established in this policy uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In these case, City staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this policy.

## **§ 257-26 Aesthetic requirements for small cell wireless facilities**

### **A. Antennas**

- (1) Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.
- (2) The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
- (3) All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the wireless support structure noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point. Antennas must not exceed the building height requirements in their respective zoning district by more than ten 10' feet, with a maximum height of 50' feet.

- (4) Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.
- B. Cables and wires. All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.
- C. Colors. All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wooden utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.
- D. Equipment enclosures / concealment / maintenance.
- (1) Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
- (2) Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.
- (3) Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.
- (4) All equipment enclosures shall be maintained in good condition. They shall be completely sealed with a secured access. The small cell company and/or right-of-way user must take reasonable care and measures to prevent damage to their facilities. Open, broken or unsealed enclosures shall be considered a public nuisance under City Code Chapter 216.

E. Signage / logos / lights / decals / cooling fans.

- (1) Signage. The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.
- (2) Lights. New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.
- (3) Logos/ Decals. The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.
- (4) Cooling Fans. In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

**§ 257-27 Damage to other facilities.**

When the City does work in the right-of-way and finds it necessary to maintain, support, or move a permittee's facilities to protect it, the City shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that permittee and must be paid within 30 days from the date of billing. Each permittee shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each permittee shall be responsible for the cost of repairing any damage to the facilities of another permittee caused during the City's response to an emergency occasioned by that permittee's facilities.

**§ 257-28 Right-of-way vacation.**

Reservation of right. If the City vacates a right-of-way that contains the facilities of a permittee, the permittee's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

**§ 257-29 Indemnification and liability.**

By accepting a permit under this chapter, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rules 7819.1250.

**§ 257-30 Abandoned and unusable facilities.**

- A. Discontinued operations. A permittee who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the City that the permittee's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another permittee.
- B. Removal. Any permittee who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the City.

**§ 257-31 Appeal.**

An applicant or permittee that has been denied a permit; has had a permit revoked; believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subdivision 6; or disputes a determination of the City Administrator or Designee regarding provisions of this chapter may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

**§ 257-32 Reservation of regulatory and police powers.**

A permittee's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

**§ 257-33 Severability.**

If any portion of this chapter is for any reason 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 remaining portions thereof. Nothing in this chapter precludes the City from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

**Section 3 – Effective Date.**

This ordinance shall take effect upon its passage and publication in the official City newspaper.

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mayor Jeff Johnson

Attest:

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Jaden Strand  
City Clerk

Posted on:  
Adopted on:  
Published on:  
Effective Date:



# City of Isanti Small Cell Wireless/ Pole Attachment Permit Application

APPLICANT		APPLICANT PHONE (direct)		APPLICANT FAX	
APPLICANT EMAIL					
COMPANY NAME		COMPANY PHONE		COMPANY FAX	
BILLING ADDRESS		CITY		STATE	ZIP
GOPHER STATE ONE-CALL REGISTRATION NUMBER			24-HOUR EMERGENCY CONTACT NUMBER		
LOCATION LIMITS (describe specific sites on page two, up to 15 sites/permit)					
DESCRIPTION OF WORK (attach additional pages if needed)					
CONSTRUCTION START		DAYS OF CONSTRUCTION		COMPLETION DATE	
<b>ACKNOWLEDGMENT</b> <i>By signing this application, I (the applicant/company) hereby acknowledge that I must adhere to all provisions of City of Isanti Chapter 257 Right-of-Way Management and any other applicable city ordinances and state and federal laws, including Minnesota Statutes Sections 237.162 and 237.163, in addition to the terms and conditions which are attached to this document. The applicant shall also comply with the regulations of all other governmental agencies for the protection of the public.</i>					
SIGNATURE: _____ DATE: _____					
TITLE: _____					

## REQUIRED DOCUMENTS TO APPLY (Check that they are enclosed):

- |   |   |
|---|---|
| <input type="checkbox"/> Permit Fee   | <input type="checkbox"/> Structural study   |
| <input type="checkbox"/> (2) sets of construction plans signed by a Professional Engineer and (1) electronic copy | <input type="checkbox"/> Radio frequency study  |
| <input type="checkbox"/> Performance bond on file and proof of insurance  | <input type="checkbox"/> Copy of permit from pole owner if owned by an agency other than the City of Isanti (if applicable) |
| <input type="checkbox"/> Design plan/route for backhaul, signed by P.E.   | <input type="checkbox"/> Certificate of Insurance   |

FOR OFFICE USE ONLY			
APP REC'D:	PERMIT FEE REC'D: / /	CHECK <input type="checkbox"/> # _____ CC <input type="checkbox"/>	PERMIT NUMBER:
AMOUNT:			PERMIT ISSUE DATE:
SIGNATURE:			APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>
TITLE:			

SMALL CELL WIRELESS PERMIT NOT VALID UNLESS SIGNED BY CITY OF ISANTI ENGINEERING STAFF

### SITE SUMMARY

*By statute, applicant may collocate up to 15 small wireless facilities if they are within a two mile radius,  
Consists of substantially similar equipment, and are to be placed on similar types of wireless support structures.  
Note, Please See City Ordinances Referencing Collocation Requirements.*

SITE	DESCRIPTION	FEE PER POLE For Administration purposes only
01		
02		
03		
04		
05		
06		
07		
08		
09		
10		
11		
12		
13		
14		
15		
TOTAL PERMIT /POLE FEE DUE FOR LOCATION		\$

## POLE PERMIT TERMS AND CONDITIONS

### 1. INSTALLATION OF EQUIPMENT

#### 1.1. Permits

- 1.1.1. Small Cell Wireless/Pole Permit: Prior to the approval of installation of equipment, APPLICANT shall submit to the City Administrator or designee, a sketch of the proposed location for the new equipment ("Equipment Plan"). The City Engineer or designee will review the sketch to determine whether the wireless support structure is owned by the City.
- 1.1.2. The Small Cell Wireless/Pole Permit Application shall include the following:
  - 1.1.2.1. Completed permit application and fee;
  - 1.1.2.2. Performance bond on file and proof of insurance;
  - 1.1.2.3. Construction plans as described in section 1.2 below;
  - 1.1.2.4. Structural study described in section 1.2.2. below;
  - 1.1.2.5. Design plan and/or route for backhaul facilities, signed by a P.E.; and
  - 1.1.2.6. Copy of permit from wireless support structure owner if owned by an agency other than the City of Isanti (if applicable).
- 1.1.3. APPLICANT must obtain a radio frequency interference study carried out by an independent professional radio frequency engineer ("RF Engineer") showing that APPLICANT's intended use will not interfere with any existing, licensed communications facilities, as well as CITY's licensed and unlicensed communications facilities, which are located on or near the structure. The RF Engineer shall provide said evaluation no later than forty-five (45) days after frequencies are provided by CITY. APPLICANT shall not transmit or receive radio waves at the wireless support structure until such evaluation has been satisfactorily completed.
- 1.1.4. Upon Request of CITY, APPLICANT shall hire an RF Engineer to conduct a radio frequency emissions survey of the wireless support structure following APPLICANT's initial RF transmissions. APPLICANT shall be responsible for all costs of such survey.
- 1.1.5. APPLICANT shall implement all measures at the transmission site required by FCC regulations, including but not limited to posting signs and markings. CITY shall cooperate with APPLICANT to fulfill its Radio Frequency exposure obligations. CITY agrees that in the event any future party causes the entire site to exceed FCC Radio Frequency radiation limits, as measured on the wireless support structure, CITY shall hold such future party liable for all such later-arising non-compliance.
- 1.1.6. Other City Permits: In addition to the Pole Attachment Permit, which is only approved to attach equipment to a wireless support structure, the APPLICANT must apply for any additional permits for all appurtenant equipment or facilities required for the Pole Application. Said permits may include, but not necessarily be limited to: Right-of-Way obstruction/excavation; Building; Electrical; Stormwater; etc.
- 1.1.7. Other Applicable Permits: It is the APPLICANT's responsibility to determine if permits are required by other governmental agencies and apply for those permits.
- 1.1.8. Applicable fees for all permits shall be borne by the APPLICANT and the APPLICANT shall be bound by the requirements of said permits.

#### 1.2. Construction Plans

For Small Cell Wireless/ Pole Attachment Permit application, or additions thereto, APPLICANT shall provide the City Engineer or designee as set forth in Section I. A(2)., each with two (2) sets of construction plans ("Construction Plans") consisting of the following:

- 1.2.1. CAD drawings showing the location and materials of all planned installations, including field verified existing utilities;
- 1.2.2. Structural Study: Complete an analysis of the existing wireless support structure or replacement pole to determine if the structure/pole has sufficient strength to support the small wireless facility which is proposed to be attached/affixed to it. Study shall have affixed to it the signature of the APPLICANT's Engineer who shall be licensed in Minnesota pursuant Minnesota Rule 1800.4200 and Minnesota Statutes Chapter 326.
- 1.2.3. Construction Specifications and Product Specifications for all planned installations;
- 1.2.4. Diagrams and Shop Drawings of proposed small wireless facility; and
- 1.2.5. A complete and detailed inventory of all equipment and personal property of APPLICANT actually placed on the wireless support structure. CITY retains the right to survey the installed equipment.

Construction Plans shall be easily readable, no construction shall commence until permit is granted by the City Engineer or designee. Final Plans shall have affixed to them the signature of the APPLICANT's Engineer who shall be licensed in Minnesota pursuant Minnesota Rule 1800.4200 and Minnesota Statutes Chapter 326.

#### 1.3. Construction Inspection

All construction activity shall be subject to inspection and approval by the CITY's representative(s). Inspection will be performed at project

completion. An inspection appointment must be made by calling the City Building Official. APPLICANT shall be solely responsible for all costs, in excess of those included in the permit fee, associated with said inspection and approval of construction work by CITY.

#### **1.4. Exposed Antenna Facilities**

- 1.4.1. APPLICANT must ensure that all Antenna Facilities which have exterior exposure shall match the color of the wireless support structure. For exposed cables, wires, or appurtenances, the APPLICANT shall ensure that cables, wires or appurtenances are placed in conduit which shall match the color of the wireless support structure.

#### **1.5. Damage by APPLICANT**

- 1.5.1. Any damage to the right of way, or CITY's equipment thereon caused by APPLICANT's permitted installation or operations shall be repaired or replaced at APPLICANT's expense and to CITY's reasonable satisfaction.

#### **1.6. As-Built Drawings ("As-Built" or "As-Built")**

- 1.6.1. Within thirty (30) days after APPLICANT activates the small wireless facility, APPLICANT shall provide CITY with a shape file containing GPS coordinates and As-Built drawing in PDF and in CAD format consisting of As-Built drawings of the small wireless facility installed on each permitted location and any improvements installed on the wireless support structure, which shall show the actual location of all equipment and improvements. Said drawings shall be accompanied by a complete inventory of all equipment and Antenna Facilities. For additional details on the shape file requirements please contact the City Engineer at 763-200-2444.

### **2. MAINTENANCE AND REPAIR OF EQUIPMENT**

#### **2.1. Emergency Maintenance and Repair**

The CITY retains the right to shut off power for the Antenna Facilities at the source in any and all cases of emergency, as determined by the CITY.

#### **2.2. Wireless Support Structure Reconditioning and Repair**

- 2.2.1. CITY reserves the right to take any action it deems necessary, in its sole and reasonable discretion, to repair, maintain, alter, or improve the right of way in connection with CITY's Operations ("ROW Work"). From time to time, CITY paints, reconditions, or otherwise improves or repairs the wireless support structure in a substantial way ("Reconditioning Work"). APPLICANT shall cooperate with CITY to carry out ROW and Reconditioning Work.
- 2.2.2. Except in cases of emergency, prior to commencing ROW or Reconditioning Work, CITY shall provide APPLICANT with not less than thirty (30) days prior written notice thereof. City will send notice to the address provided on this permit application. It shall be the sole responsibility of APPLICANT to provide adequate measures to cover or otherwise protect APPLICANT's Antenna Facilities from the consequences of such activities, including but not limited to paint and debris fallout. CITY reserves the right to require APPLICANT to remove all Antenna Facilities from the wireless support structure and right of way during ROW or Reconditioning work.
- 2.2.3. During CITY's ROW or Reconditioning Work, APPLICANT may request a mobile site on the right of way. If site will not accommodate mobile equipment, it shall be APPLICANT's responsibility to locate auxiliary sites.

#### **2.3. Relocation of Wireless Support Structure**

When directed by the City, a right-of-way user shall relocate all of its facilities within the rights-of-way according to Isanti City Code Chapter 257 as amended from time to time.

### **3. CONDITION OF WIRELESS SUPPORT STRUCTURE**

- 3.1.1. The CITY will keep and maintain the wireless support structure in good repair as required for the CITY's intended use and in the ordinary course of business as the CITY budget permits. CITY makes no guarantee as to the condition of any wireless support structures with regard to APPLICANT's intended use, if the W.S.S. is owned by the applicant.
- 3.1.2. APPLICANT shall, at its own cost and expense, maintain the small wireless facility in good and safe condition, and in compliance with applicable fire, health, building, and other codes. The APPLICANT shall obtain from the CITY any and all permits required for the purposes of maintaining the installation. Applicable fees for any permits shall be borne by the APPLICANT and the APPLICANT shall be bound by the requirements of said permits.

#### 4. INDEMNIFICATION

- 4.1.1. APPLICANT shall, to the extent permitted by law, indemnify and hold CITY harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the APPLICANT, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the CITY, or its employees, contractors or agents.

#### 5. INSURANCE

- 5.1. **Worker's Compensation:** The APPLICANT must maintain Workers' Compensation insurance in compliance with all applicable statutes. The policy shall also provide Employer's Liability coverage with limits of not less than \$500,000 Bodily Injury by harm, each employee.
- 5.2. **General Liability:** The APPLICANT must maintain occurrence form commercial general liability coverage.
- 5.2.1.1. Such coverage shall include, but not be limited to, bodily injury, property damage – broad form, and personal injury, for the hazards of Premises/Operation, broad form contractual liability, property damage liability, and independent contractors.
- 5.2.1.2. The APPLICANT must maintain aforementioned commercial general liability coverage with limits of liability not less than \$1,500,000 for each occurrence; \$3,000,000 minimum general aggregate and \$2,000,000 products and completed operations aggregate. These limits may be satisfied by the commercial general liability coverages.
- 5.2.1.3. APPLICANT will maintain Completed Operations coverage for a minimum of two (2) years after the construction is completed.
- 5.2.1.4. For towers collocated on City ROW or property, a certificate of insurance naming the City as an additional insured must be provided. The certificate must include a 30-day notification to the City if the insurance is cancelled.
- 5.3. **Automobile Liability:** The APPLICANT must carry Automobile Liability coverage. Coverage shall afford total liability limits for Bodily Injury Liability and Property Damage Liability in the amount of \$1,500,000 per accident. The liability limits may be afforded under the Commercial Policy, or in combination with an Umbrella or Excess Liability Policy provided coverage of rides afforded by the Umbrella Excess Policy are not less than the underlying Commercial Auto Liability coverage.
- 5.3.1.1. Coverage shall be provided by Bodily Injury and Property Damage for the ownership, use, maintenance or operation of all owned, non-owned and hired automobiles.
- 5.3.1.2. The Commercial Automobile Policy shall include at least statutory personal injury protection, uninsured motorists and underinsured motorists coverages.
- 5.4. **APPLICANT Property Insurance:** The APPLICANT must keep in force for the duration of the Permit a policy covering damages to its property in the right of way. The amount of coverage shall be sufficient to replace the damaged property, loss of use and comply with any ordinance or law requirements. APPLICANT may self-insure this coverage and will provide written verification of said self-insurance to the City, prior to the execution of the Agreement.
- 5.5. **Adjustment to Insurance Coverage Limits:** The APPLICANT's coverage limits set forth herein shall be increased every five years following installation of the small wireless facility by twenty-five percent (25%) over the preceding five years. Alternatively, instead of such periodic coverage limit increases, during the entire term of this Agreement, APPLICANT may maintain an umbrella or excess liability insurance policy with a combined single limit of \$5,000,000.00 per occurrence, and CITY will be named as an additional insured under such policy.
- 5.6. **Additional Insured – Certificate of Insurance:** The APPLICANT shall provide, prior to tenancy, evidence of the required insurance in the form of a Certificate of Insurance issued by a company (rated B+ (VIII) or better), licensed to do business in the State of Minnesota, which includes all coverage required in this Section 5. **APPLICANT will name the CITY as an Additional Insured on the General Liability and Commercial Automobile Liability Policies.** Applicant shall provide at least thirty (30) days prior written notice to the CITY of cancellation or non-renewal of any required coverage that is not replaced. APPLICANT will provide a certificate of insurance naming the City as an Additional insured as required above with any new company.
- 5.7. **Defense and Indemnification:** APPLICANT agree to defend, indemnify, and hold harmless CITY and its elected officials, directors, officers, employees, agents, and representatives, from and against any and all claims, costs, losses, expenses, demands, actions, or causes of action, including reasonable attorneys' fees and other costs and expenses of litigation, which may be asserted against or incurred by CITY or for which CITY may be liable in the performance of this Agreement, except those which arise solely from negligence or willful misconduct of CITY, its elected officials, directors, officers, employees, agents, representatives or contractors.

5.7.1. APPLICANT shall defend, indemnify, and hold CITY, its agents, employees and officials harmless against all claims arising out of APPLICANT's use of the right of way, including its installation, operation, use, maintenance, repair, removal, or presence of APPLICANT's facilities, structures, equipment or other types of improvements, including Antenna Facilities, in the right of way except to the extent arising from or related to the sole negligence or willful misconduct of CITY, its elected officials, officers, employees, agents, and representatives.

## **6. LIMITATION OF LIABILITY**

6.1.1. CITY shall not be liable to the APPLICANT, or any of its respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

## **7. INTERFERENCE**

7.1.1. APPLICANT agrees to install equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to any equipment of CITY or other users of the wireless support structure which existed on the wireless support structure prior to the date this Permit is issued. In the event any of APPLICANT's equipment causes such interference, and after CITY has notified APPLICANT in writing of such interference, APPLICANT will take all steps necessary to correct and eliminate the interference, including but not limited to, at CITY's option, having the APPLICANT power down its equipment and later power up its equipment for intermittent testing.

## **8. TERM OF PERMIT**

8.1.1. The term of this permit is from the date the permit is issued by the City to the time the small wireless facility is no longer in use, unless earlier revoked due to a substantial breach of the terms and conditions of statute, ordinance, rule or regulation or any material condition of this permit.

## **9. REMOVAL AT END OF TERM OR UPON PERMIT REVOCATION**

9.1.1. APPLICANT shall, within ninety (90) days after any termination of this Permit, remove its equipment, conduits, fixtures and all personal property and restore the wireless support structure to its original condition, reasonable wear and tear expected. If applicant removed a City owned street light pole to install a W.S.S. the applicant must install a replacement street light pole upon removal of the W.S.S. CITY agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of APPLICANT shall remain the personal property of APPLICANT and APPLICANT shall have the right to remove the same at any time during the Term. All poles, conduit and pole boxes are and shall remain property of the CITY. If such time for removal causes APPLICANT to remain on the wireless support structure after termination, APPLICANT shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis until such time as the removal of the antenna structure, fixtures and all personal property are completed. All rentals paid prior to said termination date shall be retained by CITY.

## **10. ASSIGNMENT**

10.1.1. This Permit, and all rights thereunder, may not be sold, assigned, or transferred without the written consent of the CITY, such consent not to be unreasonably withheld, conditioned or delayed.

## **11. CASUALTY**

11.1.1. In the event of damage or casualty to the wireless support structure that cannot reasonably be expected to be repaired or replaced due to winter frost conditions, or if the structure is damaged so that such damage may reasonably be expected to disrupt APPLICANT's operations for more than 120 days, then APPLICANT may, provided CITY has not completed the restoration or replacement of the structure, terminate the Permit upon fifteen (15) days prior written notice to CITY.



## Application for Right-Of-Way Permit

Return to the City of Isanti  
Attn: Matt Sylvester, Public Services Director  
110 1<sup>st</sup> Avenue NW, PO Box 428, Isanti, MN 55040  
msylvester@cityofisanti.us  
Phone 763.762.5757 Fax: 763.444.5560

### **PERMIT TO WORK WITHIN RIGHT-OF-WAY/EASEMENTS**

(Check all that apply)

**EXCAVATION** \_\_\_\_\_ **OBSTRUCTION** \_\_\_\_\_

**STREET CUTTING** \_\_\_\_\_ **<1,000 LF** \_\_\_\_\_ **>1,000 LF** \_\_\_\_\_

1. Location \_\_\_\_\_  
(Street, property, or legal address; or distance and direction from nearest public street intersection)

2. Nature of work \_\_\_\_\_

3. Indicate below items to be affected/disturbed and include a scale of work to be done.

#### **Excavation:**

_____ Boulevard	_____ Private Utilities (elec, gas, etc.)
_____ Curb & Gutter	_____ Public Utilities (sewer, water)
_____ Drainage	_____ Trail/Sidewalk
_____ Driveway	_____ Trees: Number of trees: _____
_____ Established Turf	_____ Street Surface
_____ Pond/Wetlands	_____ Other _____

#### **Obstruction:**

Exact Location(s) \_\_\_\_\_

\_\_\_\_\_ Pole/Pedestal

\_\_\_\_\_ Structure/Buildings

\_\_\_\_\_ Traffic Control Devices/Signs

4. Method of installation or construction \_\_\_\_\_

**SUPPLEMENTAL DOCUMENTATION:** Please attach a detailed description and scaled drawing of the proposed project and project work including identification of obstructions to be placed and size and depth of excavation. Include a traffic control plan if street cutting is necessary. Submit pavement mix design one (1) week prior to paving.

5. Work to start on or after: \_\_\_\_\_ and shall be completed by: \_\_\_\_\_ unless an extension granted to:

\_\_\_\_\_ by \_\_\_\_\_.

Date Staff

6. Will lane closures or detouring of traffic be necessary? \_\_\_\_\_ If yes, state duration and provide detour plan for each instance:

**DETOURS:** All detour plans are required as part of this permit and must be pre-approved in writing by the City Public Works Department. The City Public Services Director shall be notified in writing at least three (3) working days in advance of any approved detour being established, changed or discontinued.

**PRIOR TO WORK COMMENCING:** The Public Services Director shall be notified one (1) week prior to arriving on site by phone (763) 762-5757 or email msylvester@cityofisanti.us.

Name Of Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Please Print

Address \_\_\_\_\_

Street

City

State

Zip

Name Of Party Or Organization Performing Work \_\_\_\_\_

Gopher One Call Registration # \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Emergency Phone (24 Hr.): \_\_\_\_\_

Address: \_\_\_\_\_

Day Phone \_\_\_\_\_

Street

City

State

ZIP

The undersigned herewith accepts the terms and conditions of this permit by the City of Isanti as herein contained and agrees to fully comply therewith to the satisfaction of the City of Isanti. The undersigned also declares that he/she has read, understands, and will comply with all relevant City Ordinances and all Right of Way Regulations as stated in the following pages. **A Certificate of Insurance or Self Insurance verifying coverage has been provided to the City of Isanti. (CITY OF ISANTI TO BE NAMED AS AN ADDITIONAL INSURED)**

Signed: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**All legal requirements shown on attached pages to be complied with. The Public Services Director must be notified one week prior to the start date. The date when work is completed must be reported in writing to the Public Services Director.**

Return the Permit Application via mail or email:

City of Isanti - Attn: Matt Sylvester

110 1st Avenue Northwest – PO Box 428

Isanti, MN 55040

msylvester@cityofisanti.us

**AUTHORIZATION OF PERMIT**

Fee: \_\_\_\_\_ To be submitted to the City of Isanti

In consideration of agreement to comply in all respects with the regulations and codes of the City of Isanti covering such operations, and pursuant to authorization duly given by said City of Isanti, permission is hereby granted for the work to be done as described in the above application with said work to be done in accordance with Right of Way Regulations hereby attached: Approved By: City Engineer / Public Services Director

By: \_\_\_\_\_ Date: \_\_\_\_\_

Notes and/or Additional Operations that Must be Abided by:

☐ All disturbed surfaces shall be restored within 3 working days

**FOR CITY USE ONLY**

Financial Security Amount: \_\_\_\_\_

Type: \_\_\_\_\_

(Cash, bond, LOC, etc.)

Fee: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Escrow: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

## CITY OF ISANTI RIGHT OF WAY REGULATIONS

### SAFETY

1. Traffic shall be allowed to pass and to be protected at all times. If it is not possible to allow traffic to pass, a detour must be preapproved by the City Public Works Dept. Notification must be in writing 3 working days prior to commencement.
2. Traffic control devices shall be in accordance to MMUTCD “Field Manual” (1998). When a trail or roadway/ drive has been cut, appropriate signage must be kept in place and maintained until restoration is complete.
3. Excavations must be shored or sheeted, as required by O.S.H.A., when necessary to prevent under-mining of roadways, trailways, utilities, or for safety reasons. Stock piling of excavated material shall not occur within the public-right-of-way without proper traffic control.
4. Guys or stays shall not be attached to trees on right-of-way or private property nor obstruct roadways, sidewalks, trails, driveways, etc.
5. Flaggers and/or warning lights at night shall be furnished by the party or organization performing the work whenever the work being done creates a hazard either to the traffic using said road or the personnel engaged in the construction, or when directed to do so by the City.

### OPERATIONS

1. **Permit on Job – Permits or copies (including approved detour plans) shall be kept on the work site while it is in progress and in the custody of the individual in charge, and shall be exhibited upon request made by any City official.**
2. Conditions of permit - No person may excavate or obstruct the public right-of-way after the date specified in the permit, unless the person obtains a new permit or permit extension before the expiration of the original permit. The permit is valid only for the area of the public right-of-way specified in the permit; no permittee shall do any work outside the area specified in the permit, except as noted herein.
3. If the obstruction or excavation of the public right-of-way begins later or ends sooner than the dates specified in the permit, the permittee shall promptly notify the City Public Works Department.
4. When possible, the permittee shall coordinate project work and installation of facilities in co-locations with other public right of way users.
5. The permittee shall locate property lines abutting public right-of-ways and replace any destroyed property corners with the services of a Minnesota-licensed surveyor.
6. Provisions and Specifications – These general provisions and specifications shall be considered as forming an integral part of each and every permit issued for operations within Isanti. Installation, placement, location, and relocation of equipment and facilities shall comply with all federal, state, and local laws. The work authorized by this permit shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City. If at any time it shall be found by the City that the work is not being or has not been properly performed, the permittee, upon being notified by the City, shall immediately take the necessary steps, at his own expense, to place the work in condition to conform to said requirements or standards.
  - A. Public right-of-way alignment and grade shall be maintained, unless otherwise authorized by the City.
  - B. Unless otherwise approved by the City, fiber facilities shall be buried in a proper conduit and at a depth of no less than three (3) feet deep and no more than four (4) feet; copper facilities below concrete or bituminous paved roadway surfaces shall be buried no less than three (3) feet deep and no more than four (4) feet deep, and all other copper facilities shall be buried no less than thirty (30) inches deep and no more than four (4) feet deep.
  - C. Unless otherwise approved by the City, all underground facilities which cross streets or hard surfaced driveways shall be directional bored and installed in conduit of a type determined by the permittee.

- D. When utilizing trenchless installation methods to cross an area in which a City utility is located or when directed by the City, the permittee shall excavate an observation hole over the City utility to ensure that the City utility is not damaged.
  - E. If the project work involves open cut, the permittee shall install visual tracers at twelve (12) inches over buried facilities. If other construction methods are used, substitute location methods may be used upon approval by the City.
  - F. During plowing or trenching of facilities, a warning tape shall be placed at a depth of twelve (12) inches above copper cables with over two hundred (200) pairs and all fiber facilities. A locating wire or conductive shield shall be installed above buried telecommunication facilities, except for di-electric cables.
  - G. Compaction in any **trench** or hole outside of any hard surface shall be ninety-five percent (95%) of Standard Proctor. Compaction under any hard surface (sidewalks, trails, and streets) shall be 100% of Standard Proctor to a depth of 36" below base. Backfill must be placed in 12" layers and material shall be subject to the approval of the City. Material from the excavation may be acceptable provided such material is primarily granular in nature. Compacted backfill shall be brought to bottom of the gravel of the approved street section. Compaction shall be accomplished with hand, pneumatic or vibrating compactors as appropriate. **Restoration of boulevards shall include a minimum of 4" of topsoil and sod, unless otherwise approved.**
  - H. The permittee is required to have compaction testing to be conducted by an independent firm at locations approved by the City as required at the sole discretion of the City. Copies of test results shall be submitted to the City. All testing will be at the expense of the Permittee. If compaction densities are not in compliance with City standards, re-compaction and testing shall be completed.
  - I. All facilities shall be located so as to not interfere with existing & potential future traffic signals and signs.
  - J. All above ground appurtenances shall be located no closer than ten (10) feet to hydrants, waterline valves, manholes, lift stations or catch basins unless approved by the City, and shall not be installed in front of or within visual sight lines of any City signs, monuments or amenities for facilities or parks. Minimum offsets from sidewalks and trails shall be 2 feet unless approved by the City.
  - K. Underground facilities shall not be installed between a hydrant and an auxiliary valve.
  - L. Underground facilities shall not be installed within five (5) feet of hydrants, waterline valves, lift stations, manholes or catch basins where utility easements exist beyond the roadway surface area of the public right-of-way and space is available therein. In those areas in which no utility easement exists, placement of an underground facility shall be between the edge of pavement and no closer than three (3) feet to an existing City utility appurtenance, unless approved by the City.
  - M. In projects where an extensive effort to determine the location of City utilities lines will be required to determine the proper location and installation of private facilities, the permittee shall contact the City's Utility Representative at least two (2) weeks prior to the beginning of the work and shall cooperate to determine the location of the City utilities.
  - N. The location and installation of telecommunications facilities shall comply with the National Electric Safety Code, as incorporated by reference in Minnesota
7. Execution – The permittee shall use diligence in the execution of the work authorized under this permit in order not to endanger the public or unnecessarily obstruct travel along any road or right of way. Operations shall be so conducted as to permit safe and free travel over the roads and trailways at all times within the limits of the work herein prescribed. All safety measures for the free movement of traffic shall be provided by the permittee at his own cost.  
The permittee shall notify abutting property owners prior to commencement of any project work that may disrupt the use of and access to the abutting property.
8. Conformity to Laws – The installation shall be made in conformity with all applicable laws, regulations, and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.

- A. File with the City a liability insurance policy or certificate of such insurance issued by an insurance company authorized to do business in the State. The policy shall be kept in effect until the termination of a permit granted pursuant to this section.
  - B. Except for the negligent acts of the City, its agents and its employees, the permittee shall assume all liability for, and save the City, its agents and its employees, harmless and defend same at its sole cost and expense from any and all claims for damages, actions or causes of action arising out of the work to be done herein and the continuing uses by the permittee, including but not limited to the placing, constructing, and reconstructing, maintaining, protecting and use of said facility under this application and permit for construction.
9. Existing Facilities – The utility facility and installations shall not interfere with any existing utility facility on the City’s right-of-way or easements. It is the responsibility of the applicant to call for timely, necessary locations of existing utilities. (Gopher State One Call 800-252-1166).
10. Private Property – The work permit or permit for construction as issued does not in any way imply an easement or right to enter private property.
11. Quality of Work – **All disturbed surfaces shall be restored within 3 working days.** Finished surface, base and sub-base of all disturbed surfaces upon completion of work shall be at least equal to or better than current City specs for similar construction. New surfaces must match existing roads or trailways.
12. Cutting Trees – The permission herein granted does not confer upon the permittee the right to cut, remove, or destroy trees or shrubbery within the legal limits of the right-of-way or easements that are not specifically identified on the plan attached to this permit or relieve permittee from obtaining any consent otherwise required from the owner of the property adjacent thereto. The permittee shall protect the root growth of significant trees and shrubbery within the public right-of-way adjacent thereto. The permittee shall comply with the City’s Tree Ordinance, if applicable.
13. Drainage – All waterways and overland drainage shall remain operative. Proper erosion control shall be established and maintained throughout the construction and restoration.
14. Pole anchors – Pole anchors, anchors, braces or other construction may be permitted within right-of-way or easements and must be approved on a case-by-case basis.
15. Driving Limitations:
- A. Driving or parking on City trails or sidewalks shall only be permitted for those operations requiring direct access to the boulevard area where adequate shoulder width is not available. Vehicles within the right of way area shall utilize their warning flashers at all times.
  - B. Vehicles driving on trails or sidewalks shall not operate in excess of 5 miles per hour. Vehicles shall operate at slower speeds when weather conditions, trail conditions, poor visibility, obstructed sightlines or other conditions require special precautions to ensure the safety of trail users and the general public.
  - C. Vehicles shall not be parked on trails or sidewalks in such a manner as to unnecessarily impede the safe and efficient use of trailways by the general public.
  - D. When City load limits are active, vehicles will not be permitted on trails and sidewalks.
16. Vehicles or equipment traversing roads or railway surfaces shall not utilize studded or chained tires, caterpillar traction, or any other form of traction that will result in damage to the surface.
17. Clean-Up – Street, trailways and affected right-of-way shall be cleaned at the end of each workday and cleaned after construction is completed and left in a neat and presentable condition. Any sediment or debris from improvement shall be removed from sanitary or storm sewer systems, including drainage swales and ponds, as needed.
18. Trees and Vegetation – Burning or discing operations and/or the use of chemicals to control or destroy trees, brush and other vegetation is prohibited without prior approval from the City.
19. Replacement of Sod – Wherever topsoil and sod are disturbed, they **shall be replaced and maintained satisfactorily until the turf is established.** Any turf that fails to be established shall be replaced and satisfactorily re-established. **Restoration of boulevards shall include a minimum of 4” of topsoil.**

20. Sanitary Sewer and Water Services – Any questions regarding the sanitary sewer or water services connections shall be made to the City Public Works Department (763) 444-0459. **Prior to any backfill of sanitary sewer and/or water services, the permittee shall have the workmanship inspected by the respective authority.** For sanitary sewer or water service inspection within the public right-of-way contact: Isanti City Building Dept. (763) 762-5763.
21. All equipment enclosures installed shall be maintained in good condition. Open, broken or unsealed enclosures shall be considered a public nuisance under City Code Chapter 216.

## **RIGHT-OF-WAY FEES**

Base Permit Fee - 1,000 LF or less	\$125.00
In Addition to Base Permit Fee:	
Over 1,000 LF	\$65.00 / 1,000 LF
Street Cut (must provide traffic control plan)	\$125.00 + \$5,000.00 in Escrow
Unauthorized Work	\$250.00 plus up to double the permit fee
Individual Residential Hook-ups	No fee

## ORDINANCE NO. 746

### AN ORDINANCE AMENDING ORDINANCE 727, ADOPTED ON 4-7-2020 AND TITLED FEES

The City Council of the City of Isanti, Minnesota ordains:

**Section 1-Amendment.** Ordinance 727, titled fees, codified in Chapter 160 of the City Code, are hereby amended as follows:

#### Chapter 160

#### FEES

§ 160-1. Purpose.

§ 160- 2. Enumeration of fees.

§ 160- 3. Other fees.

§ 160-4. Summary publication  
of chapter authorized.

#### §160-1. Purpose.

The City Council has determined that it is in the best interest of the residents of the City that a Fee Schedule is established that lists items that fees shall be charged for by the City of Isanti.

#### §160-2. Enumeration of fees.

##### A. Administration.

##### 1. Administrative Citations – City Code Violations

(a) Chapter 87-5.1, Animal Litter	\$75.00
(b) Chapter 216, Nuisances	\$200.00
(c) Chapter 230, Park and Recreation Areas	\$200.00
(d) Chapter 227, Parking and Storage	\$200.00
(e) Chapter 256, Residential Property Maintenance Standards	\$200.00
(f) Chapter 284, Streets and Sidewalks	\$200.00
(g) Chapter 295, Tobacco, et al	\$75.00
(h) Chapter 325, Water	\$200.00
(i) Ordinance #445, Zoning Ordinance	\$200.00
(j) Ordinance #445, Section 16 Signs	\$100.00
(k) Ordinance #670, Storm Water 1 <sup>st</sup> Time	\$200.00
(l) Ordinance #670, Storm Water 2 <sup>nd</sup> Time	\$400.00
(m) Ordinance # 670, Storm Water 3 <sup>rd</sup> Time	\$600.00

2. Administrative Hearing Filing Fee \$75.00

3. Adult Use Fee \$2,500.00

Fines and penalties will be removed from the Fee Schedule and included within Chapter 65 or applicable City Code Chapter.

4. Adult Use Investigation Fee	\$300.00
5. Affidavit of Candidacy	\$15.00
6. Copies – Standard Printed	\$.25 per page
7. Copies – Large Format Printed	\$5.00 per page
	\$20.00 per plan set
8. Dog Bite	Actual cost
9. Dog Boarding (at Impound)	Per Contract
10. Dog Impound 1 <sup>st</sup> Time	Per Contract
11. Dog Impound 2 <sup>nd</sup> Time	Per Contract
12. Dog Impound 3 <sup>rd</sup> Time	Per Contract
Additional Fee for Pick up (7pm-8am & Holidays)	Per Contract
13. Dog License (Replacement)	\$5.00
14. Dog License (Spay/Neutered)	\$10.00
15. Dog License (Intact)	\$15.00
16. Dog License Late Fee	\$5.00
17. Dog License Lifetime	\$50.00
18. Economic Development Authority Per Diem	\$25.00 per meeting
19. Euthanasia / Disposal	Actual cost
20. FAX - in	\$.25 per page
21. FAX - out	\$.25 per page
22. Gambling Permits – Application & Gambling Investigative Fee	\$50.00
23. Kennel License (Commercial)	\$100.00 per year
24. Kennel License (Residential)	\$50.00 per year
25. Lawn Sprinkling 1 <sup>st</sup> Violation	\$20.00
26. Lawn Sprinkling 2 <sup>nd</sup> Violation	\$35.00
27. Lawn Sprinkling 3 <sup>rd</sup> Violation	\$50.00
28. Meeting Minutes – Copy on Flash Drive	\$10.00
29. Mowing Abatement	Per mowing contract
30. Non-Compliance Fee	\$25.00
31. Notary	\$5.00 per document
32. Pawnbroker/Shop	\$1,500.00
33. Pawnshop Investigation Fee	\$1,500.00
Initial Application Only, does not apply to Renewal	
34. Pawnshop Transaction Fee	\$1.30
35. Parks, Recreation and Culture Board Per Diem	\$25.00 per meeting
36. Peddler & Mobile Food Unit Permit	
(a) Day	\$25.00
(b) Month	\$75.00
(b) Seasonal (6 months or less)	\$200.00
37. Peddler or Mobile Food Unit Application Investigation Fee	\$75.00
38. Peddler Permit and Investigation Fee – Nonprofit	No Charge
39. Planning Commission Per Diem	\$25.00 per meeting
40. Retail Fire Works Permit – Application Fee	\$15.00
41. Retail Fire Works Permit – Permit Fee	\$25.00
42. Returned Checks	\$30.00
43. Secondhand Goods Dealer	\$1,500.00
44. Secondhand Goods Dealer Investigation Fee	\$1,500.00

Initial Application only, not for renewals	
45. Secondhand Goods Dealer, Temporary	\$750.00
46. Secondhand Goods Dealer Transaction Fee	\$1.30
47. Small <u>Cell</u> Wireless <del>Facility Collocation Rental and Maintenance Fee</del>	
(a) Annual <del>Rent Fee</del> per <del>Support Structure/ Pole</del>	\$150.00
(b) Annual Maintenance Fee per <del>Support Structure/ Pole</del> <u>Support Structure/ Pole</u>	\$25.00
48. Small <u>Cell</u> Wireless Facility Electrical Service Fee	
(a) Per radio node less than or equal to 100 watts	\$73.00 annually
(b) Per radio node over 100 max watts: or	\$182.00 annually
Actual cost of electricity annually, if costs exceed either of the above amounts	
49. <u>Small Cell Wireless/ Pole Attachment Permit Fee</u>	<u>\$250.00 plus actual engineering costs if additional review is required</u>
50. <u>Special Assessment Fee</u>	\$30.00 per assessment
Unpaid Utility Bills, Code Enforcement Violations, Etc.	
50. Special Meeting Request	\$500.00
51. Special Vehicle Permit	\$25.00
52. Staff Time (not specified elsewhere)	Actual hourly wage multiplied by 145%

## B. Building Inspections.

### 1. Valuation Fee Schedule for Isanti.

Value of Work	Value Based Permit Fee ( <i>Residential &amp; Commercial</i> )
<b>\$501 - \$2,000</b>	<b>\$50 MIN.</b> \$25 for first \$500 + \$3.50/ each additional \$100 or fraction thereof
<b>\$2,001 – \$25,000</b>	\$78 for first \$2,000 + \$15/ each additional \$1,000 or fraction thereof
<b>\$25,001 - \$50,000</b>	\$425 for first \$25,000 + \$11/ each additional \$1,000 or fraction thereof
<b>\$50,001 - \$100,000</b>	\$700 for first \$50,000 + \$8/ each additional \$1,000 or fraction thereof
<b>\$100,001 - \$500,000</b>	\$1,100 for first \$100,000 + \$6/ each additional \$1,000 or fraction thereof
<b>\$500,001 - \$1,000,000</b>	\$3,500 for first \$500,000 + \$5/ each additional \$1,000 or fraction thereof
<b>\$1,000,001 +</b>	\$6,000 for first \$1,000,000 + \$4/ each additional \$1,000 or fraction thereof

2. Building Permit	Per Valuation Fee Schedule
3. Basement Finishes/ Remodel Permit	\$300.00 (Includes plan review)
4. City Utility Services under Driveway	\$100.00
5. Commercial Landscape Escrow	\$8,000.00 per site
6. Deck Permit	\$300.00 (Includes plan review)

7. Demolition Permit	Minimum of \$100.00 or 1.27% of contract price
8. Right of Way Work Permit	
(a) Single Residential Hookup	no fee
(b) Base Fee – up to 1,000 LF	\$125.00
(c) Fees in addition to base fee Work >1,000 LF	\$65.00 per 1,000 LF
9. Street Cut	\$125.00 plus \$5,000.00 in escrow
10. ROW Unauthorized Work	\$250.00 plus up to double the permit fee
11. Fence Permit (Fences >7')	Per Valuation Fee Schedule
12. Fire Suppressant Permit – Commercial/Multi-Family	1.5% of project value
13. Gas Line (with mechanical permit)	\$12.50 per gas line, \$25.00 minimum
14. Gas Line (without mechanical permit)	\$50.00
15. Grade Survey Check	
(a) Commercial	\$50.00
(b) Residential	\$50.00
16. Grading Permit	\$150.00
17. Inspections outside of normal business hours	\$75.00 (2 hr. minimum plus mileage)
18. Inspections, hourly rates	
(a) Building Official	\$125/hour
(b) Senior Building Official	\$95/hour
(c) Fire Inspector	\$90/hour
(d) Building Inspector	\$75/hour
(e) Other Staff	\$75/hour
19. Investigative Fee	100% of permit fee
20. Lawn Irrigation Permit	\$80.00
21. License Verification Fee	\$5.00
22. Mechanical Permit	\$75.00 per unit
23. Mechanical Permit – Commercial/Multi-Family	1.5% of project value
24. Minimum Permit Fee	\$50.00
25. Permit Renewal after 6 mos. Of expiration	50% of original permit fee
26. Plan Check Fee	65% of calculated permit fee, when applicable
27. Plan Check Fee – Duplicate Plans	Duplicate plan fees reduced to 25% of Master Plan Review
28. Plan Review (Additional)	\$75.00 (1/2 hr minimum)
29. Plumbing Permit Basic (up to 4 fixtures)	\$54.00
30. Plumbing Permit – job valuation > \$500 or more than 4 fixtures	\$94.00
31. Plumbing Permit – Commercial/Multi-Family	1.5% of project value
32. Pre-Final Inspection Fee (Residential)	\$60.00

33. Re-Roof Permit	\$80.00
34. Re-Siding Permit	\$80.00
35. Residential Driveway Escrow	\$2,000.00
36. Residential Landscape Escrow	\$6,000.00
37. Residential Rental License Fee	
(a) 1 Unit	\$150.00-Reinstatement \$300
(b) 2-4 Units	\$175.00 Reinstatement \$350
(c) 5-12 Units	\$225.00 Reinstatement \$450
(d) 13-20 Units	\$240.00 Reinstatement \$480
(e) 21-50 Units	\$250.00 Reinstatement \$500
(f) 51 + Units	\$300.00-Reinstatement \$600
38. Rental Additional Inspections	Per Inspections Hourly Rate
39. Rental License Late Fee	100% of rental license fee
40. S.E.C.- Residential	\$20.00
41. S.E.C. – Commercial/Industrial	\$50.00
42. SAC/WAC Inspection Fee	\$37.50
43. State Surcharge	Applied to all permits
44. Swimming Pool Permit	\$80.00
45. Water/Sewer Line Repair Inspection Fee	\$80.00
46. Window/Door Replacement Permit	\$80.00
47. Electrical Inspection Fees	

All Services		Circuits and Feeders	
Residential Service Change \$100.00, this includes one inspection. Or the below rates.		The inspection fee for the installation, addition, alteration, or repair of each circuit, feeder, feeder tap, or set of transformer secondary conductors:	
0 to 300 amp	\$50	0 to 30 amp	\$8
400 amp	\$58	31 to 100	\$10
500 amp	\$72	101 to 200 amp	\$15
600 amp	\$86	300 amp	\$20
800 amp	\$114	400 amp	\$25
1000 amp	\$142	500 amp	\$30
1100 amp	\$156	600 amp	\$35
1200 amp	\$170	700 amp	\$40
Add \$15.00 for each additional 100 amps		Add \$5.00 for each additional 100 amps	
Minimum permit fee is \$50.00 plus \$1.00 state surcharge. This is for one inspection only. Minimum fee for rough-in inspection and final is \$100.00 plus \$1.00 state surcharge.			
Maximum fee for single family dwelling not over 200 amps is \$150.00 plus \$1.00 state surcharge. Maximum of 30 circuits. Maximum of 2 rough-in inspections and one final inspection.			
Apartment Buildings: Maximum fee per unit of an apartment or condominium complex is \$100.00. This does not cover service and house wiring. A separate permit must be issued for house wiring.			
Swimming Pools: \$100.00 this includes 2 inspections			
Traffic Signals: \$10.00 per each standard			
Street Lighting: \$5.00 per each standard			

Transformers/Generators: \$10.00 per unit + \$0.50 per KVA

Retro Fit Lighting: \$0.75 cents per fixture

Sign Transformer: \$10.00

Remote Control/Signal Circuits: \$1.00 per device

Re-inspection Fees: \$50.00

\*Fees are doubled if the work starts before the permit is issued

C. Community Center.

- |  |  |
|--|--|
| 1. Cleaning Fee (if elected by renter)   | \$125.00                                   |
| 2. Damage Deposit  | \$250.00                                   |
| 3. Damage Fees   |  |
| (a) Cleaning   | \$35.00 per hour minimum                   |
| (b) Tables   | \$100 each                                 |
| (c) Chairs   | \$20.00 each                               |
| (d) Unreturned keys  | \$250.00                                   |
| (e) Smoking Non-Designated Areas   | \$200.00                                   |
| (f) Other Items  | To be determined based on replacement cost |
| 4. Equipment Available to Rent (larger deposit may be required)  |  |
| (a) LCD Home Theater Projector on Cart   | \$50.00                                    |
| (b) 9' Portable Screen   | \$20.00                                    |
| (c) Blu-Ray DVD Player   | \$15.00                                    |
| (d) Speakers & Microphone  | \$15.00                                    |
| (Includes tripod stands if requested)  |  |
| (e) Podium   | \$10.00                                    |
| 5. Non-Profit Organizations  | \$50.00 (full day)                         |
|  | \$25.00 (4 hours or less)                  |
| 6. Private (less than 50 individuals) or For-Profit Organizations  | \$100.00 (full day)                        |
|  | \$50.00 (4 hours or less)                  |
| 7. Special Events  | \$275.00                                   |
| Includes use of the kitchen. Dishes and utensils not provided. With or without alcohol. Greater than 50 individuals in attendance. |  |
| 8. Monthly Rental Fees   |  |

**Fee Arrangements – When Requested**

**Non-Profit Monthly Rental Rates (less than 4 hour rentals)**

**Non-profit\*\***

Reservations	Monthly	Fee Per
per month	Fee	Reservation

1	\$25.00	\$25.00
2	\$48.80	\$24.40
3	\$71.70	\$23.90
4	\$93.20	\$23.30
5	\$113.50	\$22.70
6	\$133.20	\$22.20
7	\$151.20	\$21.60
8	\$168.00	\$21.00
9	\$184.50	\$20.50
10	\$199.00	\$19.90
11	\$212.30	\$19.30
12	\$225.60	\$18.80
13	\$236.60	\$18.20
14	\$246.40	\$17.60
15	\$255.00	\$17.00
16	\$264.00	\$16.50
17	\$270.30	\$15.90
18	\$275.40	\$15.30
19	\$281.20	\$14.80
20	\$284.00	\$14.20
21	\$285.60	\$13.60
22	\$288.20	\$13.10
23	\$287.50	\$12.50

\*\* Groups storing belongings at the facility may be subject to a monthly storage fee.

**Fee Arrangements – When Requested**  
**For-Profit and Private Monthly Rental Rates (less than 4 hour rentals)**  
**Private/For-Profit\*\***

Reservations per month	Monthly Fee	Fee Per Reservation
1	\$50.00	\$50.00
2	\$97.80	\$48.90
3	\$143.10	\$47.70
4	\$186.40	\$46.60
5	\$227.50	\$45.50
6	\$265.80	\$44.30
7	\$302.40	\$43.20
8	\$336.00	\$42.00
9	\$368.10	\$40.90
10	\$398.00	\$39.80
11	\$424.60	\$38.60
12	\$450.00	\$37.50
13	\$473.20	\$36.40
14	\$492.80	\$35.20

15	\$511.50	\$34.10
16	\$528.00	\$33.00
17	\$540.60	\$31.80
18	\$552.60	\$30.70
19	\$560.50	\$29.50
20	\$568.00	\$28.40
21	\$573.30	\$27.30
22	\$574.20	\$26.10
23	\$575.00	\$25.00

\*\*All other fees and deposits for the rental of the facility apply.

#### D. Economic Development Authority.

1. Assignment & Assumption Agreement	\$1,000.00 plus costs
2. Development Agreement (Non-Abatement or TIF)	\$1,000.00 plus costs
3. Establishment of New TIF District	\$4,800.00 or actual cost
4. Host Approval of Conduit Debt	\$3,000.00 escrow
5. Issuance of Conduit Debt	1/4% of the proposed issuance amount, \$3,000.00 minimum, \$25,000.00 maximum escrow
6. Revolving Loan Fund Application Fee	1% origination fee
7. SAC/WAC Repayment Agreement and Mortgage	Current cost of filing document(s) at Isanti County to be paid by Developer.
8. TIF Development Agreement	\$2,500.00 plus costs
9. Tax Abatement Application Fee	\$1,000.00 plus costs

#### E. Liquor/Beer Licenses.

1. Background Check & Investigation Fee	
(a) For Partnership – Corporation – Association	\$300.00
(b) For Individual	\$100.00
Initial Application only, does not apply for Renewals	
2. Beer Off-Sale (3.2)	\$150.00
3. Beer On-Sale (3.2)	\$250.00
4. Brewers Off-Sale Malt Liquor	\$310.00
5. Brewers Tap Room On-Sale	\$500.00
6. Brew Pub Off-Sale Malt Liquor	\$310.00
7. Club License (Max dictated by MN State Statutes)	\$500.00
8. Intox Liquor On-Sale	\$2,500.00
9. Intox Liquor Sunday On-Sale	\$200.00
10. Consumption and Display Permit (Annual)	\$200.00
11. Temporary Consumption and Display Permit	\$25.00
12. Temporary On-Sale 3.2 Beer License (1-4 Days)	\$50.00
13. Temporary One-Day On-Sale Intox Liquor License	\$25.00
14. Temporary On-Sale Intoxicating Liquor License	\$50.00
(Includes Beer and Wine, 2-4 days one event)	

15. Temporary On-Sale Intoxicating Liquor License (Multiple events)	\$500.00
16. Wine On-Sale	\$300.00

F. Parks, Recreation, and Culture ~~Department~~.

1. Copy of Comprehensive Park Plan	\$10.00
2. Community Garden – Ground Plot (Season Fee)	\$15.00
3. Community Garden – Raised Bed (Season Fee)	\$20.00
4. Farmer’s Market – Membership Fee (Annual)	\$10.00
5. Farmer’s Market – Stall Fee	
(a) Full Season	\$100.00
(b) Half Season	\$60.00
6. Farmers Market - Single Day	\$10.00
7. Park Dedication Fee (Residential)	\$1,500.00 per unit
8. Park Dedication Fee – Multi Family with Recreational Amenities – Up to 25% Reduction of \$1,500 per unit fee	
9. Park Dedication Fee (All Others)	\$1,500.00 per Commercial/Industrial Acre
10. Park Shelter Electric Box Deposit	\$50.00
11. Park Shelter Fee	
(a) Resident	No Charge
(b) Non-Resident or Business	\$10.00
(c) Non-Profit	\$5.00
12. Special Event Cleanup Deposit	\$100.00
13. Tennis Court Usage	
Resident (Individual)	
(a) 1 court	No Charge
(b) 2 courts	\$6/hr.
Non-Resident (Individual)	
(a) 1 court	\$6/hr.
(b) 2 courts	\$12/hr.
Group, League, Business, Industry	\$15/hr.
Non-Profit	
(a) 1 court	\$3/hr.
(b) 2 courts	\$6/hr.
Per season single court only – rates to be determined on a case-by-case basis by the Parks, Recreation, and Culture Board and City Council.	
14. Unity Park Softball Field Usage	
(a) Resident	\$15.00 per day
(b) Non-Resident	\$25.00 per day
(c) Non-Profit	\$7.50 per day

G. Planning & Zoning ~~Department~~.

1. Administrative Appeals	\$200.00 plus costs
2. Administrative Permit	\$75.00
3. Administrative Permit – Non-profit	No charge
4. Administrative Subdivision	\$275.00 plus costs

5. Annexation/De-Annexation	\$100.00 plus costs
6. Comprehensive Plan Amendment	\$325.00 plus costs
7. Conditional Use Permit	\$325.00 plus costs (\$1,000.00 escrow)
8. Conditional Use Permit Amendment	\$275.00 plus costs (\$500.00 escrow)
9. Copy of Comprehensive Plan	\$50.00
10. Copy of Zoning Ordinance	\$25.00
11. Copy of Engineer Design Standards	\$35.00
12. Development Agreement	\$10,000.00 <u>(minimum)</u> escrow
13. Development Agreement (Minor)	\$5,000.00 <u>(minimum)</u> escrow
14. Easement Application	\$200.00 plus costs
15. EAW & EIS Review	\$600.00 plus costs
16. Final Plat	\$325.00 plus \$10.00 per lot/unit plus costs (\$1,500.00 escrow)
17. Interim Use Permit	\$325.00 plus costs
18. Minor Subdivision Plat	\$325.00 plus costs (\$1,000.00 escrow)
19. Planned Unit Development – Final Plan	\$325.00 plus costs (\$1,500.00 escrow)
20. Planned Unit Development – General Plan	\$500.00 plus costs (\$1,500.00 escrow)
21. Preliminary Plat	\$500.00 plus costs (\$1,500.00 escrow)
22. Rezoning Request	\$325.00 plus costs
23. Sign Permit (permanent)	\$75.00
24. Sign Permit (temporary)	\$50.00
25. Signal Light Fee (Residential)	\$119.00 per residential unit
26. Signal Light Fee (Commercial)	\$0.10 per sq. ft. of usable Commercial lot platted
27. Site Plan Review	\$325.00 plus costs (\$1,000.00 escrow)
28. Site Plan Review Financial Surety	125% of estimated cost of site (Commercial/Industrial) improvements (driveway, parking and loading areas)
29. Text Amendment	\$275.00
30. Vacation Request	\$275.00 plus costs
31. Variance Request	\$325.00 plus costs
32. Wetlands Replacement Plan Review	\$500.00
33. Zoning Permits	\$80.00
34. Zoning Verification Letter	\$30.00

#### H. Police ~~Department~~.

1. Administrative Citation	\$60.00
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2. Alcohol Screening	\$3.00 per time or \$75.00 per year
3. Chemical Disposal (small amount)	Cost of Disposal
4. Chemical Disposal (large Amount)	Cost of Disposal
5. Cleaning of Crime Scene	Cost of Cleanup
6. Copy of Photo	\$5.00
7. Copy of Police Report	\$.25 per page
8. Copy of Video and/or Audio, or Secured E-Delivery	\$25.00
9. Fee for Returned Check listed under Administration	
10. Fingerprinting	\$15.00 per non-resident or non-Isanti business, \$0.00 for Isanti resident or business
11. Parking Ticket	\$20.00
12. Police Records Search	\$35.00
13. Professional Hire of Police Office (min. 3 hours)	Actual hourly wage multiplied by 150%
14. Reschedule Hearing on Administrative Citation	\$50.00
15. Storage Fees	\$20.00 per day
16. Towing	As per towing contract fee schedule
17. Unjust Hearing	150% of cost of hearing

#### I. Sewer and Water ~~Department~~.

1. Delinquent Posting Notice Fee	\$15.00
2. Water Meter - New Construction:	
(a) Meter (5/8 & 3/4 inch)	Cost included in permit fee
(b) Meter (larger, > 3/4 inch, diameter)	Cost minus \$265.00
(c) Replacement or additional:	
Meter (5/8 & 3/4 inch)	
Full Meter (Radio and Body)	\$ 240.00
Radio	\$ 95.00
Body	\$ 145.00
(d) Horn	\$ 100.00
(e) Meter (larger, > 3/4 inch, diameter)	Cost plus \$25.00
3. Meter Connections/Fittings	Cost
4. Meter Replacement Administrative Fee for Non-Compliance	\$75.00/month
5. Private Metered Water Sales Deposit	\$2,000.00 (refundable deposit) \$10.00 minimum and up to 1 <sup>st</sup> 1000 gallons; as per rate study per/1,000 thereafter
6. Private Well Water Testing	\$45.00
7. Sewer Access Fee (SAC)	Per Ordinance per unit based on REC assessment
8. Sewer Rates	Per Ordinance
9. Storm Water Rates	Per Ordinance

10. Storm Water Escrow Commercial	\$3,000.00
11. Storm Water Escrow Residential	\$1,000.00
12. Trunk Utility Charge Residential	\$1,000.00/unit if more than one unit based on REC schedule or per Development Agreement
13. Trunk Utility Charge Commercial/Industrial	\$2,050.00 per Commercial /Industrial acre or per Development Agreement
14. Unpaid Water and Sewer	\$5.00 per month
15. Valve Plate Cover	\$100.00
16. Water Access Charge (WAC)	Per Ordinance per unit based on REC assessment
17. Water Disconnect/ Reconnect	\$50.00
18. Water Disconnect / Reconnect (After hours)	\$100.00 minimum per person, after one hour \$100.00 per hour per person
19. Water Meter History Report	\$50.00
20. Water Meter Testing	1 Hour Public Works Staff plus Costs
21. Water Rates	Per Ordinance

#### J. Streets ~~Department~~.

1. Bobcat/Tractor Charge with Operator	\$100.00 per Hour
2. Labor – During work hours	\$50.00 per Hour, half hour minimum
3. Labor – After Hours	\$100.00 per Hour, 2 hour minimum
4. Mow Charge with Operator	\$90.00 per Hour
5. Sidewalk Snow Removal	\$30.00
6. Street Cut Permit	\$1,200.00
7. Weed Whip Charge with Operator	\$75.00 per Hour
8. MINNESOTA WARN RATES	Equipment Charges Are Per Hour with Operator
	<u>Business Hours</u> <u>Non-Business Hours</u>
Road Grader with Wing, Dump Truck with Snowplow and Wing, Wheel Loader	\$160.00      \$180.00
Air Compressor with Accessories and Pickup, Pickup, One Ton Trucks, Tractors	\$90.00      \$110.00
Vactor with Pickup (Requires Two Operators) There is an additional charge of \$.35 per lineal foot for sewer cleaning.	\$135.00      \$145.00
Single Axle Truck, Street Sweeper, Single Axle Dump Truck with Snowplow,	\$125.00      \$145.00
Skidsteer, Self-propelled Mower/Snow Blower/ V Plow/Broom/Brush Hog/Grapple Bucket	\$90.00      \$105.00

Attachment		
All Other Equipment Such As Chain Saw, Push Mower and Weed Whips	\$75.00	\$95.00

K. Fire.

- |   |                      |
|---|----------------------|
| 1. Fire Extinguisher Service Deposit Fee  | \$25.00 (refundable) |
| 2. Fire Extinguisher – Administrative Fee | \$3.00               |

**§160-3. Other fees.**

This is not an all-inclusive fee schedule for fees that may be charged by the City. The City Council is solely responsible for the setting and establishment of fees, whether listed in this Chapter or in an ordinance, a resolution or negotiated in an agreement. Sales and Use tax applied in addition to fees as required by State Statute.

**§160-4. Summary publication of chapter authorized.**

The City Council authorizes this Chapter to be published in summary form, with copies of the fee schedule available to the public at city hall at no charge.

**Section 2- Effective date.**

This ordinance takes effect upon its passage and publication in the official City newspaper.

Adopted by the Isanti City Council this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2021.

Attest:

\_\_\_\_\_  
Mayor Jeff Johnson

\_\_\_\_\_  
Jaden Strand  
City Clerk

Date Posted:  
Date Adopted:  
Date Published:  
Effective Date:

## **City Code Editorial and Legal Analysis Summary**

### **Chapter 1 General Provisions Article 1 General Penalty § 1-1 Violations and penalties**

- Revise to read “imprisonment for a period not to exceed 90 days” in § 1-1.

### **Chapter 1 General Provisions Article II Adoption of Code**

- Language will be updated following approval of editorial and legal analysis

### **Chapter 1 General Provisions Article II Adoption of Code § 1-3 Definitions**

- Move § 1-3 and 1-4 to Article I of Chapter 1 and titled “Construction and Penalties” as it is not related to adoption of code.
- Remove “Treasurer” in § 1-3 and change “Treasurer” in § 312-6B to “Finance Director.”

### **Chapter 8 City Council Article I Advisory Boards § 8-1 Establishment of advisory bodies**

- Revise title Article I to “Advisory Bodies”

### **Chapter 8 City Council Article I Advisory Boards § 8-2 Appointment and number of members**

- Revise § 8-2A to read “Any City staff member, as deemed necessary or advisable by the City Council, may be appointed to be an ex officio member of the advisory body.”
- Revise § 8-2B to read “Sixty days prior to the expiration of the term of a member of an advisory body, for which reappointment or a new appointment would be required, City staff is authorized to publish for such vacancy.”

### **Chapter 8 City Council Article I Advisory Boards § 8-6 Planning Commission**

- Revise § 8-6C to read “the Mayor and four City Council members.”
- Revise § 8-6E (2) to read “The Mayor and four Council members shall serve on the Planning Commission for a one-year term to expire on December 31 of each year.”

### **Chapter 8 City Council Article II Salaries §8-10 Per diem fee for service on boards**

- Revise § 8-10 to reference committees and boards in Chapter § 8-29A (2)

### **Chapter 8 City Council Article-- III Rules of Organization § 8-17 Rules of order and procedure**

- Revise § 8-17A (3) to read “Advisory bodies shall organize themselves, elect a Chair and Vice Chair, and determine their meeting dates by majority vote of members.”

### **Chapter 8 City Council Article III Rules of Organization § 8-22 Agenda**

- Revise § 8-22A to read “An agenda will be prepared for all regular Council meetings by the City Administrator or designee.”

### **Chapter 8 City Council Article III Rules of Organization § 8-25 Public hearings**

- Revise § 8-28B (3) to read “Staff presentation (including the Clerk, Administrator, Attorney and engineering reports, if any).”
- Revise § 8-25C to read “However, the presiding officer may allow additional time for speakers and additional time for speakers shall be allowed by majority vote of the City Council.”

Chapter 8 City Council Article III Rules of Organization § 8-27 Procedure for resolution and ordinance adoption

- Revise to remove “by resolution” so the sentence reads “Unless otherwise provided by law, all ordinances shall be adopted by a majority vote of Council members present at the Council meeting.”

Chapter 8 City Council Article III Rules of Organization § 8-29 Committees

- Revise § 8-29A (1) to read “The City Administrator or their designee shall convene Committee of the Whole meetings and introduce Committee agenda items.”
- Revise § 8-29A (2) to incorporate Planning Commission, Parks, Recreation and Culture Board and Economic Development Authority.
- Revise “EDA” to “Economic Development Authority” in § 8-29(C).
- Revise “Park, Recreation and Culture Board” to “Parks, Recreation and Culture Board” in § 8-29(C).

Chapter 8 City Council Article III Rules of Organization § 8-35 Suspension or amendment of rules

- Remove § 8-32 and § 8-35.

Chapter 18 Elections Article II Primaries §18-3 Date

- Revise § 8-13 to incorporate “A municipal primary general election is to be held for the purpose of electing officers.”

Chapter 18 Elections Article II Primaries § 18-4 Names on ballot

- Revise § 18-4 to read “When more than one council member is to be elected for full terms at the same election, the candidates’ names shall be placed under one office on the ballot with the number to be elected to the office specified directly underneath the title and identification of the office.”

Chapter 18 Elections Article III Vacancies In Elected Offices §8-17 Vacancies in Council

- Revise § 18-7A (3) to read “Failure to attend regular meetings of the Council for a 90-day period without being excused by the Council.”

Chapter 18 Elections Article III Vacancies In Elected Offices § 18-8 Procedures to fill Council vacancies by special election

- Revise § 18-8C(3)(f) to remove “of \$2” after “filing fee.”

Chapter 18 Elections Article IV Filing Fees for Affidavit of Candidacy § 18-12

- Revise § 18-12 to remove “and resolution of the City Council.”

Chapter 29 Newsletter

- Remove chapter 29 in its entirety.

Chapter 33 Officers and Employees Article I Administrator § 33-2 Appointment; removal; hearing

- Revise § 33-2 to read “If he/she has served as City Administrator for one year, written charges and a public hearing on the charges before the City Council shall be provided, if requested by the City Administrator within seven days of notification of the Council’s intent to remove him/her.”

#### Chapter 47 Police Reserve § 47-6 Compensation

- Revise § 47-6 to read “Members of the Reserve shall receive no compensation for their services, except that they shall be covered by worker’s compensation while on duty.”

#### Chapter 65 Administrative Penalties § 65-5 Administrative citations

- Remove language from § 65-5B “A late payment fee of 10% of the scheduled fine amount will be imposed.”

#### Chapter 65 Administrative Penalties § 65-6 Administrative hearing

- Remove § 65-6D and renumber § 65-6E, F and G as §65-6D, E and F
- Revise § 65-6F to read “Any fines or penalties imposed must be paid within 10 days of the date of the Hearing Officer’s order.”

#### Chapter 65 Administrative Penalties § 65-7 Recovery of civil penalties

- Revise § 65-7A (4) to read “If a civil penalty is not paid within the time specified, it constitutes: A lien upon the real property upon which the violation occurred, if the property owner was found responsible for that violation and the lien can be assessed under Minn. Stats. § 429.101, as amended from time to time.”

#### Chapter 68 Adult Establishments §68-4 License required

- Statute revision in § 68-4D (2) to incorporate Minn. Stat § 364.03, Subd. 3, Evidence of rehabilitation.

#### Chapter 68 Adult Establishments § 68-5 Violations and penalties

- Revise § 68-5A to read “Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction shall be punished by not more than the maximum penalty for a misdemeanor as prescribed by state law.”
- Revise § 68-5A to refer to the general penalty in Chapter 1, Article 1.

#### Chapter 71 Aircraft, Use of Unmanned § 71-1 Purpose

- Revise § 71-1 to read “This chapter is enacted for the purpose, and with the intent, to control and regulate the use of private unmanned aircrafts, also known as ‘drones’ (rotary or fixed wing), to prevent them from disturbing, disrupting, harassing, or endangering another person or property. This chapter is also enacted to control and direct the use of unmanned aircrafts while departments within the City of Isanti are performing their official duties.”

#### Chapter 71 Aircraft, Use of Unmanned § 71-2 Use

- Revise § 71-2 to read “This chapter shall be enforced for both recreational and commercial use of unmanned aircrafts typically weighing less than 55 pounds including its payload. Public safety officials using unmanned aircrafts while performing their

official duties or when directed by the Chief of Police or their designee are exempt from the provisions of this chapter.”

#### Chapter 71 Aircraft, Use of Unmanned § 71-3 Definitions

- Removal of the terms “airspace,” “altitude,” “area of command,” “autonomous system,” “data collection” and “remote control.”

#### Chapter 71 Aircraft, Use of Unmanned § 71-4 Unmanned aerial systems limitations

- Revise § 71-4G to read “No person shall knowingly operate an unmanned aircraft over critical infrastructure within the City as defined by the Chief of Police or their designee. Critical infrastructure includes, but not limited to: water treatment and storage facilities, wastewater treatment, railroad tracks, gas plants, gas supply, public buildings, power stations and transmission lines, radio towers or other land areas defined as or containing critical infrastructure.”

#### Chapter 71 Aircraft, Use of unmanned § 71-5 Information, notices and markings

- Removal of language “of their flight” in § 71-5.

#### Chapter 71 Aircraft, Use of Unmanned § 71-8 Violation a misdemeanor

- Language change in § 71-8 to refer to the general penalty in Chapter 1, Article 1.

#### Chapter 76 Alcoholic Beverages Article I State Law, Definitions and Public Consumption § 76-3 Definitions

- Revise § 76-3 to read “Adults that are participating in, aiding, or allowing any illegal activity related to the event or gathering.”
- Revise the definition of “club” for § 76-3 to match definition in Minn. Stat. § 340A.101 of 30 members.
- Revise the definition of “hotel” for § 76-3 to match definition in Minn. Stat. § 340A.101 to “at least 10 guest rooms.”
- Revise the definition of “intoxicating liquor” for § 76-3 to match definition in Minn. Stat. § 340A.101 of “3.2% of alcohol by weight.”
- Revise § 76-3 to read “The money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.”
- Revise the definition of “restaurant” for § 76-3 to match definition in Minn. Stat. § 157.16, Subd. 3(d) “Category 1 establishment,” “Category 2 establishment” and “Category 3 establishment.”

#### Chapter 76 Alcoholic Beverages Article I State Law, Definitions and Public Consumption § 76-4 Consumption in public places

- Revise § 76-4 to incorporate reference to § 76-9.

#### Chapter 76 Alcoholic Beverages Article II Licensing and Operation § 76-9 Kinds of liquor licenses

- Removal of “bowling center” in § 76-9 as it is not defined in Minn. Stat. § 340A.101.
- Removal of repeated word “theaters” in § 76-9D.
- Revise § 76-9D to read “clubs, including congressionally chartered veterans’ organizations.”

- Revise § 76-9F to read “The City may not issue more than three four-day, four three-day, six two-day or 12 one-day temporary licenses (in any combination) not to exceed 12 days total to any one organization or for any one organization or for any location in the City, within a twelve-month period.”
- Revise language in § 76-9G to incorporate “Have facilities for seating at least 30 guests at one time.”
- Revise language to match Minn. Stat § 340A.24 to read “If a brewer licensed under Subsection L of this section possesses a license under Subsection J above, the brewer’s total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 750 barrels.”
- Revise "Subsection J above" to read "Subsection K above" in § 76-9L.

Chapter 76 Alcoholic Beverages Article II Licensing and Operation § 76-10 License fees; pro rata

- Revise § 76-10B to read “The Council may establish by ordinance license fees for any of the liquor licenses it is authorized by this chapter to issue.”

Chapter 76 Alcoholic Beverages Article II Licensing and Operation § 76-16 Investigation

- Move comprehensive background and financial investigation fees to Chapter 160, § 160-2E

Chapter 76 Alcoholic Beverages Article II Licensing and Operation § 76-25 Suspension and revocation

- Revise § 76-25A to read “The Council may act as the hearing body under that act, or it may contract with the Office of Administrative Hearing” and update the reference to the statutes § 14.57 to § 14.69.
- Remove language “or violation of Section 4” in § 76-25B (1).
- Revise reference of “Subsection B” to “this subsection” in § 76-25C

Chapter 76 Alcoholic Beverages Article III Municipal Liquor Store § 76-26 Municipal liquor store continued

- Revise reference of “Section § 76-29” to “§ 76-27” in § 76-26.

Chapter 76 Alcoholic Beverages Article III Municipal Liquor Store §76-28 Operation

- Revise § 76-28C to read “The handling of municipal liquor store receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursements of City funds generally.”
- Revise § 76-26E to read “The hours during which intoxicating liquor may be sold shall be as provided in § 76-20.”

Chapter 76 Alcoholic Beverages Article III Municipal Liquor Store § 76-30 Violations and penalties

- § 76-30, Violations and penalties, applies to all of Chapter 76; move to a separate article at the end of the chapter.
- Revise reference of “Subsection 23” to “§ 76-30.”

Chapter 76 Alcoholic Beverages Article IV Annual Rodeo Liquor Liability Insurance § 76-31  
Liability insurance policy limits

- Revise § 76-31A to read “As a condition to the granting of a temporary license for the on-sale of intoxicating liquor or 3.2% malt liquor for the Isanti Volunteer Fire Department Relief Association Annual Rodeo and associated events, the Isanti Volunteer Fire Department Relief Association shall have in place liquor liability insurance as per Minn. Stat. § 340A.409, as amended from time to time, and liability insurance in the following amounts:”

Chapter 76 Alcoholic Beverages Article V Social Host § 76-34 Authority

- Revise reference of “§ 145A.05” to “§ 412.221, Subd. 32” in § 76-36C.

Chapter 76 Alcoholic Beverages Article V Social Host § 76-36 Exceptions

- Revise § 76-36C to read “This article does not apply to retail intoxicating liquor or 3.2% malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503, Subd. 1(a)(1), as amended from time to time.”

Chapter 76 Alcoholic Beverages Article V Social Host § 76-39 Violations and penalties

- Revise “an administrative fee of \$75” to read “a civil penalty of \$75” in § 76-39.

Chapter 87 Animals Article I Keeping of Certain Animals § 87-1.1 Chickens

- Revise § 87-1.1J to read “Chickens are prohibited in multifamily structures and/or homes.”

Chapter 87 Animals Article I Keeping of Certain Animals § 87-2 Violations and penalties

- Revise §87-2 to refer to the general penalty in Chapter 1, Article I.

Chapter 87 Animals Article II Dogs § 87-3 Definitions

- Revise term “Animal Warden” to read “Animal Control Officer” in Article II.
- Remove language "provided that the provisions of this article shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals" from the definition of "nuisance dog."

Chapter 87 Animals Article II Dogs §87-5.1 Removal of excrement; exceptions

- Revise § 87-5.1 to read “A. Any person who owns, keeps, harbors, or has charge of an animal shall immediately collect and remove any and all feces deposited by the animal on public or private property. B. The owner or person in control of an animal not permit such animal to be on public property or the property of another without having in the possession of the owner or person in control of the animal a device equipment for the immediate removal of feces material deposited by the animal as well as a container for the transport of such fecal material to an appropriate disposal receptable located on the property of the owner or person in control of the animal. The owner or person in control of such animal shall be responsible for removing such material from public or private property of another to a proper disposal receptable located on the property of the owner or person in control of the animal. C. The premises on which any animal is kept shall be

kept in a clean and sanitary condition and shall not be a harbor for rodents, flies or insects.”

Chapter 87 Animals Article II Dogs § 87-6 Licensing

- Revise “penalty” to “late fee” in § 87-6C.

Chapter 87 Animals Article II Dogs § 87-7 Kennels

- Revise "kennel permit" in Subsection G to read "kennel license"; "license or permit" in Subsections F, G to read "license"; and "licensee or permit holder" in Subsection G changed to read "licensee" in § 87-7.
- Revise to read "The applicant's name, address, phone number, and e-mail address" § 87-7B (2).

Chapter 87 Animals Article II Dogs § 87-11 Redemption of impounded animals by owner

- Revise term “Finance Department” to “Finance Director” in § 87-11.
- Revise term “pound keeper” to “animal shelter” in § 87-12A.

Chapter 87 Animals Article II Dogs § 87-15 Confinement of certain dogs

- Revise §87-15 to read “The owner of a dangerous dog or potentially dangerous dog, as defined in Minn. Stat. § 347.50, shall comply with all requirements of Minn. Stat. § 347.50 through 347.565, which are incorporated in this article by reference.”

Chapter 87 Animals Article II Dogs § 87-18 Violations and penalties

- Revise § 87-18 to refer to the general penalty in Chapter 1, Article I.

Chapter 87 Animals Article III Exotic Animals §87-23 Grandfather clause

- Remove fee in § 87-23C.

Chapter 87 Animals Article III Exotic Animals § 87-25 Seizure

- Change reference to § 346.155, Subd. 5, Subsection (f)(1) and (2).
- Revise "has violated article" to read "has violated this article" in § 87-25.

Chapter 87 Animals Article III Exotic Animals §87-26 Violations and penalties

- Revise §87-26 to refer to the general penalty in Chapter 1, Article I.

Chapter 99 Bicycles, Roller Blades and Skateboards §99-4 Violations and penalties

- Revise § 99-4 to refer to the general penalty in Chapter 1, Article I.

Chapter 111 Building Construction Article I Pipeline Safety Setback § 111-4 Variances

- Remove provisions not applying to the City in §111-4.

Chapter 111 Building Construction Article II State Building Code § 111-5 Code adopted by reference

- Revise references to the “Commissioner of Administration” to the “Commissioner of Labor” and Industry and the reference to “Building Codes and Standards Division” changed to the “Department of Labor and Industry in § 115-5.”

Chapter 111 Building Construction Article II State Building Code § 111-6 Application, administration and enforcement

- Remove Subsections B and C as covered by Subsection A.
- Revise both "Department of Building Safety" and "Building Inspection Department" to "Community Development Department."

Chapter 119 Burning, Open Article II Open Burning § 119-4 Permit

- Revise reference to "Isanti Fire District" to "Isanti Fire District or Fire Agency."

Chapter 119 Burning, Open Article II Open Burning § 119-5 Violations and penalties

- Revise § 119-5 to refer to the general penalty in Chapter 1, Article I.

Chapter 125 City Name, Seal and Logo § 125-4 Penalties

- Revise § 125-4 to refer to the general penalty in Chapter 1, Article I.

Chapter 135 Curfew § 135-2 Minors under 18 years of age

- Revise curfew to start at 10:00 p.m.

Chapter 135 Curfew § 135-7 Violations and penalties

- Penalty meant to apply to § 135-4 and § 135-5 relating to parents.

Chapter 143 Drug Lab and Chemical Dump Sites §143-4 Definitions

- Revise "Minnesota Pollution Control" to read "Minnesota Pollution Control Agency" and the reference to the "Isanti County Health Department" to the "Isanti County Public Health Department."
- 

Chapter 143 Drug Lab and Chemical Dump Sites § 143-7 Notice of public health nuisance to concerned parties

- Revise "declaration of public health notice" should read "declaration of public health nuisance" in § 143-7.

Chapter 143 Drug Lab and Chemical Dump Sites § 143-12 Violations and penalties

- Revise § 143-12 to refer to the general penalty in Chapter 1, Article I.

Chapter 144 Drug Paraphernalia § 144-5 Penalties

- Revise § 144-5 to refer to the general penalty in Chapter 1, Article I.

Chapter 149 Environmental Review § 149-1 Applicability of state Environmental Review Program

- Revise "6MCAR 3.021 to 3.047" to "Minnesota Rules Chapter 4410" in § 149-1.

Chapter 149 Environmental Review §149-2 Cost of preparation and review

- Revise § 149-2B to read "The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules of the City Council shall, upon the request of and in the manner prescribed by the ERP

Coordinator, prepare a draft EAW and supply all information necessary to complete that document."

- Revise "6MCAR 3.042" to "Minnesota Rules Chapter 4410" in § 149-2D.

#### Chapter 149 Environmental Review § 149-3 Administration

- Revise the reference of "6MCAR 3.024" to "Minnesota Rules § 4410.1000" in § 149-3B.
- Revise the reference of "6MCAR 3.025" to "Minnesota Rules § 4410.2000" in § 149-3E.

#### Chapter 149 Environmental Review § 149-5 Enforcement, violations and penalties

- Revise § 149-5 to refer to the general penalty in Chapter 1, Article I.

#### Chapter 160 Fees § 160-2 Enumeration of fees

- Revise § 160-2 to read "established by the City Council"; eliminate "by resolution."
- § 160-2A (1), Administrative citations, contains fines; move this subsection out of Chapter 160, Fees, and include it in Chapter 65, Administrative Penalties.
- Move per diem payments to Chapter 8, Article I, Advisory Boards.
- Move fines for lawn sprinkling violations to Chapter 65, Administrative Penalties, and list under Chapter 325, Water.
- Revise title of § 160-2F to read "Parks, Recreation and Culture."
- Move parking ticket administrative fine to Chapter 65.

#### Chapter 160 Fees § 160-3 Other fees

- Revise to read "Sales and use tax shall be applied in addition to fees as required by state statute" in § 160-3.

#### Chapter 171 Fireworks § 171-5 Exportation from City

- Remove "by the United States Department of Transportation" in §171-5.

#### Chapter 178 Gambling § 178-3 Definitions

- Revise definition in § 178-3 to read "Includes exempt or excluded bingo and raffles as defined in the Minnesota Statutes."

#### Chapter 178 Gambling § 178-11 Violations and penalties

- Revise § 178-11 to refer to the general penalty in Chapter 1, Article I.

#### Chapter 188 Hunting and Firearms §188-3 Violations and penalties

- Revise § 188-3 to refer to the general penalty in Chapter 1, Article I.

#### Chapter 216 Nuisances § 216-1 Public nuisance defined

- Revise to read "No person shall use a dynamic braking device or motor vehicle brakes that are in any way operated or activated by the compression of the engine in any motor vehicle upon any public ways located within the City limits of Isanti, including, but not limited to, highways, streets, alleys, easements, or right-of-way" in § 216-4B(4)(j).
- Revise to read "Whoever by his act or failure to perform a legal duty does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor: A. Maintains or permits a condition which unreasonably annoys, injures, or endangers the

safety, health, morals, comfort, or repose of any considerable number of members of the public; B. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way; or C. Is guilty of any other act or omission declared by law or this Code to be a public nuisance and for which no sentence is specifically provided” in § 216-1.

Chapter 216 Nuisances § 216-2 Public nuisances affecting health, safety, comfort or repose

- Revise “ground” to read “gravel” in § 216-2E.
- Remove § 216-25H (3) and add new subsection § 216-2H (8)

Chapter 216 Nuisances §216-3 Public nuisances affecting morals and decency

- Revise to read "of any building" to "on any public street, alley, sidewalk or floor of any building where the public gathers or has access" in § 216-3G (1).

Chapter 216 Nuisances § 216-4 Public nuisances affecting peace, safety and general welfare

- Remove § 216-4A (13).
- Remove § 216-4A (14).
- Remove § 216-4A (16).
- Revise “comfort’s repose” to “comfort, repose” in § 216-4B (1).
- Revise “distinctly and audible manner” to read "distinctly audible manner” in § 216-4B(4)(b).
- Revise "quiet, comfort, or of persons" to read "quiet, comfort, or repose of persons" in § 216-4B(4)(d).
- Revise to read “Schools, courts, churches, hospitals. It is unlawful for any person to create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, court, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of the institution” in § 216-4B(4)(i).
- Revise to read “unless such brakes are necessarily used in an emergency situation. The prohibition contained in this subsection shall not apply to fire, police, EMS and/or other emergency vehicles” in § 216-4B(4)(j).

Chapter 216 Nuisances § 216-8 Violations and penalties

- Revise § 216-8 to refer to the general penalty in Chapter 1, Article I.

Chapter 227 Parking and Storage Article III Parking and Storage of Vehicle and Other Equipment § 227-12 Violations and Penalties

- Revise § 227-12 to refer to the general penalty in Chapter 1, Article I.

Chapter 230 Parks and Recreation Areas

- Revise to read "All pet owners are responsible for the proper disposal of pet waste, subject to the exceptions in § 87-5.1D" in § 230-2E.
- Revise to read "Not clean up after pets, subject to the exceptions in § 87-5.1D" in § 230-2L (10).
- Revise to read "All pet waste must be cleaned up and disposed of in designated waste receptacles, subject to the exceptions in § 87-5.1D" in § 230-4C.
- Revise to read "In any park and recreation area, including trails, it shall be unlawful for any person, firm, company, or corporation to use any restroom in any park in other than a clean and sanitary manner" in § 230-2F.
- Revise language in Subsection L (13), (14), (17), (18) and (19) to read “L. In any park and recreation area, including trails, it shall be unlawful for any person, firm, company, or corporation to: (13) Use of recreational vehicles, including, but not limited to, all-terrain vehicles, snowmobiles, and motorcycles, on parks or park system land. (14) Use

nonmotorized bicycles in park areas or trails, natural or paved, that are not signed as permitted. (17) Overnight parking Park overnight unless permitted by the City Administrator or designee. (18) Disturbing, damaging, or destroying Disturb, damage or destroy any trees or planted areas. (19) Removal of Remove wood from natural park areas unless permitted by the City Administrator or designee” in § 230-2L.

Chapter 230 Parks and Recreation Areas § 230-4 Dog park rules and regulations

- Revise § 230-4 to read "In no case shall the personal property remain on site for over one day. and Personal property must be removed by park closure at 10:00 p.m. that day" in § 230-4K.

Chapter 230 Parks and Recreation Areas § 230-7 Violations and penalties

- Revise §230-7 to refer to the general penalty in Chapter 1, Article I.

Chapter 233 Pawn Shops § 233-6 License fees

- Revise to read "License fees will be prorated if the license is applied for and issued after April 1" in § 233-6B.
- Revise to read "Billable transaction fees shall be billed monthly [,] and are due and payable within 30 days. Failure to do so pay billable transaction fees within 30 days is a violation of this chapter" in § 233-6D.

Chapter 233 Pawnshops § 233-8 Application requirements

- Revise to read “Has been convicted of any crime directly related to the occupation licensed as prescribed by Minn. Stat. § 364.03, Subd. 2, as amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this chapter as prescribed by Minn. Stat. 364.03, Subd. 3, as amended from time to time” in §233-8E (2).

Chapter 233 Pawn Shops § 233-11 Reports to Isanti Police Department

- Revise to read “Effective no later than 60 days after the Isanti Police Department provides licensees with the current version of the automated pawn interchange file specification format or similar automated record system that may be specified by the City[.], licensees must submit every reportable transaction to the Isanti Police Department daily in the following manner:” in § 233-11A.

Chapter 233 Pawn Shops § 233-13 Redemption period

- Change redemption period in § 233-13 from 90 days to 60 days.

Chapter 233 Pawn Shops § 233-18 Prohibited acts

- Revise to read "state or providence of residency" to "state or province of residency" in § 233-18C.

Chapter 233 Pawn Shops § 233-19 Denial, suspension or revocation

- Revise to read "The proposed use does not comply with any applicable law or rule, including applicable zoning laws” in § 233-19A.
- Revise to read "a crime involving moral turpitude." Perhaps this sentence could be revised to read as follows: "Violation within the preceding five years of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business, or any other crime involving moral turpitude" in § 233-19G.

Chapter 233 Pawn Shops § 233-22 Violations and penalties

- Revise § 233-22 to refer to the general penalty in Chapter 1, Article I.

Chapter 245 Peddlers, Solicitors, Transient Merchants and Mobile Food Units § 245-4 Ineligible people

- Revise § 245-4 to read "The following people are not eligible for a license from the City."

Chapter 245 Peddlers, Solicitors, Transient Merchants and Mobile Food Units § 245-5 Application

- Revise to read "a site plan showing the proposed location of the stand or unit on the property" in § 245-5P (2).

Chapter 245 Peddlers, Solicitors, Transient Merchants and Mobile Food Units § 245-10 Mobile food units

- Revise to read "A certificate of insurance evidencing the following forms of insurance shall be submitted to the City" in § 245-10B.
- Revise to read "No shouting, blowing a horn,
- ringing a bell, or use of any sound devices upon any streets, alleys, parks, or other public places of the City or upon any private premises in the City shall be permitted" in § 245-10F.
- Revise "zoning codes" to read "Zoning Ordinance" in § 245-10L.
- Revise to read "Mobile food units may be allowed in public rights-of-way, residential zoning districts or park zoning districts in conjunction with an approved special event permit" in § 245-10L.
- Revise to read "The mobile food vendor shall not set up in a manner so as to create a traffic hazard and shall follow police orders" in § 245-10M.

Chapter 245 Peddlers, Solicitors, Transient Merchants and Mobile Food Units § 245-13 Suspension; revocation

- Revise "who is the acting on behalf of" to read "who is acting on behalf of" in § 245-13A.

Chapter 245 Peddlers, Solicitors, Transient Merchants and Mobile Food Units § 245-14 Violations and penalties; enforcement

- Revise § 245-14B to refer to the general penalty in Chapter 1, Article I.

Chapter 253 Rental Dwellings § 253-3 License required; term; renewals

- Revise definition to include "or living unit" in § 253-3.

Chapter 253 Rental Dwellings § 253-7 Inspections, investigations and maintenance

- Revise "rental housing dwelling" to read "rental dwelling" in § 253-7D.

Chapter 253 Rental Dwellings § 253-9 Conduct of licensed property

- Revise to read "the applicant for the rental dwelling license" in § 253-9D(2)(b).

Chapter 253 Rental Dwellings § 253-11 Fire control regulations

- Revise "Fire Code of the City" to read "State Fire Code" in § 253-11.

Chapter 253 Rental Dwellings § 253-12 License revocation or suspension

- Revise to read "Failure to pay any application, penalty, reinspection, or reinstatement fee or any penalty required by this chapter" in § 253-12A (2).

Chapter 253 Rental Dwellings § 253-18 Violations and penalties

- Revise § 253-18 to refer to the general penalty in Chapter 1, Article I.

Chapter 256 Residential Property Maintenance Standards Article I General Provisions § 256-1 Definitions

- Revise definition to read "MANUFACTURED HOME – As defined in the City Zoning Ordinance and shall include all buildings used or intended for use as part of the equipment of the manufactured home, whether a charge is made for the use of a manufactured home park and its facilities or not. A manufactured home shall be considered a dwelling under the provisions of this chapter" in § 256-1.

Chapter 256 Residential Property Maintenance Standards Article II Administration and Enforcement § 256-7 Compliance and enforcement; violations and penalties

- Revise to remove "and pay an additional penalty of \$5" so this sentence reads "Each day the violation continues in existence shall be deemed a separate violation" in § 256-7B.

Chapter 256 Residential Property Maintenance Standards Article III Minimum Standards

- Review in progress.

Chapter 256 Residential Property Maintenance Standards Article III Minimum Standards § 256-11 Basic services and utilities in manufactured home parks

- Revise "mobile home" to read "manufactured home" in § 256-11B.

Chapter 258 Secondhand Goods Dealers § 258-2 Definitions

- Revise "Minnesota Department of Motor Vehicles to read "Department of Public Safety" in § 258-2.

Chapter 258 Secondhand Goods Dealers § 258-4 License or registration application

- Revise to read "the applicant's Social Security number or individual taxpayer identification number and Minnesota business identification number, as required by Minn. Stat. § 270C.72." in § 258-4A(4)(I).
- Revise to remove § 258-5E as covered by § 258-11B.

Chapter 258 Secondhand Goods Dealers § 258-15 Denial of license or registration

- Revise "permit" to read "license or registration" in § 258-15.

Chapter 260 Sewers Article I Sewers, General Requirements §260-1 Definitions

- Revise §260-1 to add definition "MPCA – The Minnesota Pollution Control Authority."

- Revise reference in § 260-1 for NPDES Permit to read "Sections 402 and 405 of the Clean Water Act, 33 U.S.C. § 1342 and §1345."

Chapter 260 Sewers §260-4 Connection to public sanitary sewer system required

- Revise to read "sanitary sewage treatment system (SSTS)" in § 260-4A.

Chapter 260 Sewers Article I Sewers, General Requirements §260-7 Waste disposal

- Revise § 260-7 to read "or in any area under the jurisdiction of the City."

Chapter 260 Sewers Article II Public Sewer Connections § 260-11 Standards

- Revise references to the "Minnesota Building and Plumbing Code" to read "the Minnesota Building and Plumbing Codes" in § 260-11A and § 260-23B.

Chapter 260 Sewers Article II Public Sewer Connections § 260-18 Usage charges

- Revise § 260-18 to read "The owner is responsible for payment of usage charges, and if unpaid the charges shall be a lien on the property pursuant to § 260-45B."

Chapter 260 Sewers Article IV Use of Pubic Sanitary Sewer System § 260-46 Violations and penalties

- Revise § 260-46 to refer to the general penalty in Chapter 1, Article I.

Chapter 262 Sewer and Water Service Charges Article I Sanitary Sewer and Water Rates and Regulations § 262-1 Definitions

- Remove definition of "Department" in § 262-1.

Chapter 262 Sewer and Water Service Charges Article I Sanitary Sewer and Water Rates and Regulations § 262-5 Accounts and billing for services

- Revise § 262-5F to read "The owner is responsible for all delinquent charges on the account, and if unpaid the charges shall be a lien on the property pursuant to § 262-7B."
- Revise § 262-6G to read "The owner of the building or premises is responsible for all delinquent charges on the account, and if unpaid the charges shall be made a lien on the property pursuant to § 262-7B of this chapter."
- Revise § 262-6H to read "The owner is responsible for the base fee charges, and if unpaid the charges shall be a lien on the property pursuant to § 262-7B of this chapter."

Chapter 262 Sewer and Water Service Charges Article I Sanitary Sewer and Water Rates and Regulations §262-6 Right to discontinue service

- Remove "in accordance with Minn. Stat. § 216B.0975" in § 262-6B (2).

Chapter 262 Sewer and Water Service Charges Article II Special Sewer Treatment Fund § 262-8 Special Sewer Treatment Fund

- Revise title to read "Special Sewer Treatment Fund" in § 262-8.

Chapter 262 Sewer and Water Service Charges Article IV Violations and Penalties § 262-13 Violations and penalties

- Revise § 262-13 to refer to the general penalty in Chapter 1, Article I.

Chapter 264 Shade Tree Disease Control Article I Shade Tree Pest Control § 264-1 Definitions

- Revise § 264-1 and § 264-10A to read “Parks, Recreation and Culture.”

Chapter 264 Shade Tree Disease Control Article I Shade Tree Pest Control § 264-5 Nuisances declared

- Revise "legs" to "limbs" in § 264-5.

Chapter 264 Shade Tree Disease Control Article I Shade Tree Pest Control § 264-15 Violations and penalties

- Revise "Penalties and violations shall be imposed" to read "Penalties for violations shall be imposed" in § 264-15.

Chapter 264 Shade Tree Disease Control Article I Shade Tree Pest Control § 264-19 Storage/consumption prohibited

- Revise "consumption of diseased trees" to read “possession of diseased trees” in § 264-19.

Chapter 270 Snowmobiles and Special Vehicles Article I Snowmobiles § 270-3 Operation restrictions

- Revise to read “Where permitted, snowmobiles shall not be operated as follows: A. On or across any street within the City at a speed in excess of 20 miles per hour or in any location at a speed greater than deemed reasonable for the conditions” in § 270-3A.

Chapter 270 Snowmobiles and Special Vehicles Article I Snowmobiles § 270-5 Violations and penalties

- Revise § 270-5 to refer to the general penalty in Chapter 1, Article I.

Chapter 270 Snowmobiles and Special Vehicles Article I Snowmobiles § 270-7 General provisions; definitions

- Revise to remove "as provided in this article" after "emergency conditions" in § 270-7A (7).

Chapter 270 Snowmobiles and Special Vehicles Article I Snowmobiles § 270-8 Violations and penalties

- Revise § 270-8 to refer to the general penalty in Chapter 1, Article I.

Chapter 273 Solid Waste Article I Unwarranted Disposal § 273-1 Use of disposal containers

- Remove § 273-1D.

Chapter 278 Special Events §278-11 Permit revocation

- Revise "license" to read "permit" in § 278-11.

Chapter 278 Special Events § 278-12 Violations and penalties

- Revise § 278-12 to refer to the general penalty in Chapter 1, Article I

Chapter 281 Stormwater Article I Stormwater Drainage Utility § 281-4 Calculation of fee

- Revise to read "The stormwater ERU rate shall be evaluated on an annual basis" in § 281-4B.

Chapter 281 Stormwater Article I Stormwater Drainage Utility § 281-5 Billing and payment

- Revise reference in § 281-5A (1) to § 262-5F.

Chapter 284 Streets and Sidewalks Article I Street Naming and Numbering § 284-1 Treatment of existing street names

- Revise "Street Naming and Lot Number Map" to read "Street Naming and Lot Numbering Map" in § 284-1.

Chapter 284 Streets and Sidewalks Article I Street Naming and Numbering § 284-8 Violations and penalties

- Revise § 284-8 to refer to the general penalty in Chapter 1, Article I

Chapter 284 Streets and Sidewalks Article II Location and Maintenance of Sidewalks § 284-14 Snow removal

- Revise to read "the Department of Public Works" in § 284-14.

Chapter 284 Streets and Sidewalks Article II Location and Maintenance of Sidewalks § 284-16 Materials on streets, alleys, sidewalks, or public way

- Revise to read "This section does not apply when an obstruction permit has been issued in accordance with Chapter 257, Right-of-Way Management, of the City Code" in § 284-16B.
- Revise to read "Any such items not removed shall be deemed to be rubbish unless such items have an obvious market value in excess of \$100, and any cost incurred by the City and billed to the responsible owner, renter, or occupant for removal of such items may be assessed against the adjacent lot, parcel, or building, if not promptly paid by the responsible party" in § 284-16A.

Chapter 284 Streets and Sidewalks Article II Location and Maintenance of Sidewalks § 284-17 Violations and penalties

- Revise § 284-17 to refer to the general penalty in Chapter 1, Article I

Chapter 290 Tattooing and Body Piercing

- Revise to include "and subject to a penalty as provided in Chapter 1, Article I, of the City Code" in § 290-4.

Chapter 295 Tobacco and Related Delivery Products Article I Smoking § 295-4 Violations and penalties

- Revise to read "Any person who shall do or commit any act which is forbidden by the provisions of this article shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$300, plus costs of prosecution" in § 295-4.

Chapter 300 Trails § 300-3 Snow removal on trails

- Revise § 300-3 to read "the City's Snow Plowing Policy adopted by resolution."

#### Chapter 300 Trails § 300-7 Violations and penalties

- Revise § 300-7 to refer to the general penalty in Chapter 1, Article I.

#### Chapter 320 Vehicles, Recreational §320-1 Provisions of state law adopted

- Revise reference to Minn. Stat. §§ 84.92 to 84.928 in §320-1.

#### Chapter 320 Vehicles, Recreational §320-2 Definitions

- Revise "snowmobile" to read "recreational vehicle" in the definition of "owner" in § 320-2.

#### Chapter 320 Vehicles, Recreational §320-13 Violations and penalties

- Revise to read "The person shall be punished as for a misdemeanor under Minnesota law (maximum fine of \$1,000 or imprisonment for term not to exceed 90 days, or both, plus costs of prosecution in either case); where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, the person shall be punished as for a misdemeanor under Minnesota law; where the person stands convicted of violation of any provision of this chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, for the third or subsequent time within the immediately preceding twelve-month period, the person shall be punished as for a misdemeanor under Minnesota law" in §320-13A.

#### Chapter 325 Water Article I Purpose and Establishment § 325-1 Definitions

- Revise § 325-1 to read "The City Public Works Department."

#### Chapter 325 Water Article III Private Wells §325-13 Private wells

- Revise reference to Chapter A344 (fee schedule) to Chapter 160, Fees in § 325-13C (1).

#### Chapter 325 Water Article V Violations and Penalties §325-19 Violations and penalties

- Revise §325-19 to refer to the general penalty in Chapter 1, Article I.
- Revise to read "The usage charge shall be as provided in the Water Rate Table in Chapter 262, Sewer and Water Service Charges, of the City Code" in § 325-19B.

#### Chapter A344 Fee Schedule

- Remove Chapter A344.



## Memo for COW

**To:** Mayor Johnson and Members of the City Council  
**From:** Ryan Saltis, Community Development Specialist  
**Date:** June 15, 2021  
**Subject:** Ducks Discussion

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### **Background:**

There has been interest by residents in the city to keep certain animals, specifically ducks. The request would be to allow these domestic fowl in residential areas. Surrounding cities do not allow domestic fowl to be kept in residential areas. Some cities allow ducks to be kept only in areas that are zoned agricultural and are considered farm animals by definition. Isanti's zoning district equivalent to agricultural land would be the R-1A Residential Rural District. This zoning district has a minimum lot size of 1 acre.

The Committee of the Whole discussed regulations for keeping turkeys and ducks in residential areas at the previous COW meeting on May 18<sup>th</sup>, 2021. It was determined that turkeys should not be allowed within city limits and that there needed to be more research on ducks before a decision is made to allow them or not.

Currently City Code has the following requirements:

#### **§ 87-1 Prohibited animals.**

No person, firm or corporation shall keep, harbor, feed or raise cows, horses, hogs or any other livestock, chicks or poultry, not in accordance with this chapter, in the City of Isanti.

Turkeys and ducks would be considered poultry (domestic fowl) and are currently prohibited within the city. Staff's research has concluded that most cities do not allow ducks in residentially zoned areas that aren't agricultural. Nearby cities that do allow domestic fowl in agricultural zoned areas have minimum lot sizes of at least 3 acres.

The following is a draft of regulations to allow for ducks to be kept in City Limits if the Council chooses to allow them, this is similar to the chickens ordinance:

#### **§ 87-1.3 Ducks.**

The City allows the keeping of ducks on residential properties in the R1A, R-1, R-2, R-3A, and R-3B Zoning Districts, subject to the following requirements:

- A. Ducks shall not be kept inside the principal structure.
- B. Ducks shall not be kept in such a manner as to constitute a public nuisance as defined by the City.
- C. Coops or enclosures are required and shall:
  - (1) Meet all setback requirements for the zoning district of the property.
  - (2) Be at least 10 feet from a side or rear property line.

- (3) Not be located in a drainage or utility easement or in a shoreland protection area or in a wetland setback area.
- (4) Shall be at least 30 feet from any residential dwelling on any adjacent property.
- D. The owner must keep the ducks in a coop or fenced in area and shall be contained within the owner's parcel at all times.
- E. The property owner shall maintain the coop or enclosures such that they are in good shape, not unsightly and free from major defects.
- F. The property owner shall properly store all animal feed such to ensure that it does not attract insect or rodents.
- G. The property owner shall dispose of all animal waste in an appropriate manner on a weekly basis.
- H. Are prohibited in multifamily structures and/or homes.
- I. Sale of eggs commercially is prohibited in residential districts.
- J. All coops or enclosures shall be kept at least 10 feet or further from any primary structure
- H. The maximum total number of ducks allowed on properties are as follows:

Lot Size (Acres)	Maximum Number Allowed
Less than 3 acres	6 ducks
More than 3 acres	12 ducks

The options for the Committee of the Whole are as follows:

- 1) Accept regulations for ducks (Requires an ordinance amendment)
- 2) No change to the City Code (All poultry besides chickens remain prohibited in the City of Isanti)

Community Development Specialist Ryan Saltis conducted research on this item his research is attached.

**Request:**

Staff is requesting direction on this item.

**Attachments:**

- Duck Research

## Turkeys / Ducks Research

**Cambridge:** Turkeys and ducks are considered farm animals, which shall only be allowed to be kept in an agricultural district of the city, or on a residential lot of at least 10 acres in size provided that no animal shelter will be closer than 300 ft of an adjoining property.

(3) **Farm Animals.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, pigeons, and other animals associated with a farm, ranch, or stable.

**Princeton:** Turkeys and ducks are considered farm animals and are only allowed to be kept in an agricultural district of the city (similar to Cambridge).

**East Bethel:** Turkeys and ducks considered fowl or farm animals and are allowed as an Interim Use Permit for parcels of land 3 acres or larger. The number of certain animals is determined by a property's acreage:

(h) The following equivalents will apply when determining the animal units defined below:

Animal	Animal Units Per Acre
1 swine	0.4
1 goose or duck	0.2
1 goat or sheep	0.5
1 turkey	0.10
1 bovine	1.4
1 equine	1.0
1 chicken or pheasant/quail	0.01
1 emu or ostrich	1.0
1 alpaca or llama	1.0

**Zimmerman:** Subdivision 1. No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal such as a rabbit, chinchilla, or mink, or any fowl such as a chicken, turkey, or duck, or any pigeon, without obtaining a permit therefore issued by the commissioner of health.

**Milaca:** Turkeys and ducks are considered farm animals and are only allowed to be kept in an agricultural district of the city (similar to Cambridge).

**North Branch:** Considered “Fowl”. Animal Unit Chart below:

c) Animal equivalents. The following equivalents shall apply when determining animal units and animal densities per acre:

1. one mature dairy cow .....	1.4
2. one slaughter steer or heifer .....	1.0
3. one horse .....	1.0
4. one swine .....	0.4
5. one goose or turkey .....	0.2
6. one goat or sheep .....	0.1
7. one chicken, duck or pigeon .....	0.01

**Elk River:** Turkeys and Ducks are considered Agricultural Animals and are allowed only in the Agricultural Zoning District.