

ORDINANCE NO. 2023-20

AN ORDINANCE AMENDING CHAPTER 17 AND APPENDIX A OF THE CITY CODE RELATING TO RIGHT-OF-WAY DEFINITIONS AND FEES

The City Council for the City of Bloomington, Minnesota hereby ordains:

Section 1. That Chapter 17 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 17: STREETS AND RIGHTS-OF-WAY

ARTICLE IV: RIGHT-OF-WAY MANAGEMENT AND LOCATING OF UNDERGROUND FACILITIES

§ 17.65 DEFINITIONS.

RIGHT-OF-WAY PERMIT. An excavation permit, obstruction permit, pole attachment permit or a utility permit, or any combination thereof, depending on the context required by this Article IV.

§ 17.68 PERMIT REQUIRED.

(a) Permit required. Except as otherwise provided in this code, no registrant may obstruct or excavate any right-of-way without first having been issued the appropriate right-of-way permit pursuant to this section and conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

(1) Excavation permit. An excavation permit is required by the registrant to excavate that part of the right-of-way described in each permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities therein, to the extent and for the duration specified in the permit.

- (A) Right-of-way horizontal directional drilling (HDD) shall be limited to 2,640 feet per right-of-way permit application.
- (B) Installation of cabinets, handholes, poles, transformers, and other such fixtures as determined by the City Engineer or designee shall require a right-of-way permit for all such fixtures within each 2,640-foot project area.

(2) Obstruction/aerial/interduct permit. An obstruction/aerial/interduct 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 within the right-of-way, to the extent and for the duration specified in the permit. An obstruction/aerial/interduct permit is not required if a registrant has been issued a valid excavation permit for the same project.

(3) Pole attachment permit. A pole attachment permit is required by the registrant in order to attach a wireless telecommunication facility to a new or existing wireless support structure in the public right-of-way. A wireless telecommunication 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. A permit will be deemed void if the approved equipment is not installed within one year of issuance of the permit. Wireless telecommunication facilities that are larger than what is defined as a small wireless facility in § 17.65 of this code are not permitted and therefore not eligible for a pole attachment permit.

(d) Application and fee. An application for a right-of-way permit shall be made on forms provided by the city and shall be accompanied by the fees as set forth in City Code Appendix A and which are established to reimburse the city for city costs. A person who pays a franchise fee to the city in accordance with a franchise agreement shall be exempt from the payment of permit fees. All applications must be in the name of the registrant. No joint applications will be accepted. If the work is to be performed by an agent, contractor or subcontractor on behalf of the registrant, such application shall be signed by the registrant. The application shall also be accompanied by the following:

Section 2. That Appendix A of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

APPENDIX A: ADMINISTRATIVE RELIEF AND FEE SCHEDULE

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

CODE SECTION	CROSS- REF	DESCRIPTION	FEE
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Chapter 17: Streets and Rights-of-way

Right of way Permit fees***

§ 17.68(a)(1)	<u>§ 17.68(d)</u>	Right-of-Way Permit Fee	<u>\$560</u>
<u>§ 17.66(a)(1)</u>	<u>§ 17.68(d)</u>	<u>Right-of-Way Permit Fee (residential water & sewer repairs)</u>	<u>\$150</u>
		[(1) Hole	\$208 per excavation]
		[(2) Emergency hole	\$104 per excavation]
		[(3) Trench The maximum length of a trench permit shall be 5,000 lineal feet.	\$89 per 100 lineal feet plus \$208 hole fee for each excavation]
		[(4) Potholing/soil boring	\$52 for first pothole, \$7 for each additional pothole]
		[(5) Fixture installation right of way	\$175 each for installation of cabinets, poles, transformers, etc.]
§ 17.68(a)(2)		[(7)] Obstruction/aerial/interduct permit fee. The maximum length of an obstruction permit shall be 5,000 lineal feet.	\$129 [plus \$0.06 per lineal foot for each obstruction]
§ 17.68(a)(3)		[(8)] Pole attachment permit fee	\$1,[5]000 per attachment

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 10th day of July, 2023.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney