

**CITY OF GARRISON,
MINNESOTA
CROW WING COUNTY
REGULATING CITY RIGHTS
OF WAY – SUMMARY
PUBLICATION**

A summary of an ordinance to enact a new Chapter of the City of Garrison Code of Ordinances to administer and regulate the public rights of way in the public interest, and to provide for the issuance and regulation of right-of-way permits.

1. The City Council has adopted a lengthy ordinance administering and regulating the public rights of way in the public interest and providing for issuance and regulation of right-of-way permits. The purpose of this summary is to inform the public of the intent and effect of the ordinance and to publish only a summary of the ordinance with the full ordinance being on file in the office of the City Clerk during regular office hours.

Sec. 1.01. Findings, Purpose, and Intent.

States the reason and the need for the city to more effectively manage the public rights of way.

Sec. 1.02. Election to Manage the Public Rights of Way.

States the intent of the Council to manage the public right of way pursuant to and in accordance with the authority given to it under state and federal statutory, administrative, and common law.

Sec. 1.03. Definitions.

Certain words in the ordinance are defined here. This section also incorporates definitions adopted by the Minnesota Public Utilities Commission in state rules.

Sec. 1.04. Administration.

Names the principal city official responsible for the administration of the city right-of-way ordinance.

1.05. Utility Coordination Committee.

Allows, but does not require, the city to create an advisory utility coordination committee to assist it in obtaining information and making recommendations for improving the right-of-way process.

Sec. 1.06. Registration and Right-of-Way Occupancy and Sec. 1.07. Registration Information.

Requires those using and occupying the public rights of way to register with the city and provide basic essential information.

Sec. 1.08. Reporting Obligations.

Defines some minimum reporting obligations for utilities planning to do work in the public rights of way, including schedules for anticipated work.

Secs. 1.09. Permit Requirement; 1.10, Permit Applications; 1.11, Issuance of Permit Conditions; and 1.12, Action on Small Wireless Facility Permit Applications, and 1.13, Permit Fees.

Describes the requirements for obtaining a permit and paying appropriate permit fees before excavating or in any way obstructing the public rights of way.

Sec. 1.14. Right-of-Way Patching and Restoration.

Contains the requirements for restoring the public rights of way after excavation, and adopts the restoration standards contained in Minnesota Public Utilities Commission rules.

Sec. 1.15. Joint Applications.

Sec. 1.16. Supplementary Applications.

Sec. 1.17. Other Obligations.

Sec. 1.18. Denial of Permit.

Specifies the grounds for denying a right-of-way permit.

Sec. 1.19. Installation Requirements.

Specifies that the installation of utility facilities in the public rights of way shall comply with city requirements and applicable rules of the Minnesota Public Utilities Commission.

Sec. 1.20. Inspection.

Sec. 1.21. Work Done Without a Permit.

Sec. 1.22. Supplementary Notification.

Sec. 1.23. Revocation of Permits.

Describes the grounds and procedures for revoking right-of-way permits.

Sec. 1.24. Mapping Data.

Adopts rules of the Minnesota Public Utilities Commission describing the mapping information that must be provided by those placing utility facilities in the public rights of way.

Sec. 1.25. Location and Relocation of Facilities.

Describes the requirement regarding location of utilities and further adopts Minnesota Public Utilities Commission rules regarding the circumstances when utilities can be forced to relocate their facilities.

Sec. 1.26. Pre-Excavation Facilities Location.

Sec. 1.27. Damage to Other Facilities.

Sec. 1.28. Right-of-Way Vacation.

Sec. 1.29. Indemnification and Liability.

Specifies the circumstances in which those placing facilities in the public rights of way will be required to defend and indemnify the city for actions brought against the city.

Sec. 1.30. Abandoned and Unusable Facilities.

Sec. 1.31. Appeal.

Describes the process for challenging a city's decision involving application of this ordinance.

Section 1.32 Reservation of Regulatory and Police Powers

Sec. 1.33. Severability.

2. The City Council has determined that publication of the title and summary of the rights-of-way management ordinance as set forth in this summary will clearly inform the public of the intention and effect of the ordinance. The Council also directs that only the title and this summary be published. A copy of the entire text of the ordinance shall be posted in the City Hall or made available for review upon request during normal business hours.