



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: ORD 18-2421, Version: 2

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**ADMINISTRATION** - *Jon Haukaas, Director of Public Works*

### SECOND READING

#### **ARTICLE III. - PUBLIC RIGHT-OF-WAY MANAGEMENT, SEC. 70-62. - DEFINITIONS., SEC. 70-71. - ISSUANCE OF PERMIT; CONDITIONS., AND SEC. 70- 72. - ACTION ON SMALL WIRELESS FACILITY PERMIT APPLICATIONS.**

As part of the small wireless legislation passed in 2017 that allows small cell wireless equipment to be placed on City-owned infrastructure in the right-of-way, staff is suggesting amendments to the Public Right-of-Way Management portion of City Code as outlined below.

Hold first reading of proposed ordinance and schedule second reading and adoption for December 20, 2018.

**THE CITY OF BLAINE DOES ORDAIN:** (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

#### **ARTICLE III. - PUBLIC RIGHT-OF-WAY MANAGEMENT**

##### **Sec. 70-62. - Definitions.**

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

*Director* means the public services manager or Director of Public Works of the city, or the city's designee.

*Telecommunication right-of-way user* means 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 transporting telecommunication or other voice or data information. Telecommunications right-of-way users must obtain an Obstruction Permit before a person may install, operate, or maintain facilities in the right-of-way. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. ch. 238, and

telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. § 16B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. chs. 453 and 453A, or a cooperative electric association organized under Minn. Stat. ch. 308A, are not telecommunications right-of-way users for purposes of this article except to the extent such entity is offering wireless service.

Sec. 70-71. - Issuance of permit; conditions.

(d) *Small wireless facility agreement.* A small wireless facility shall only be issued after the applicant has executed a standard small wireless facility collocation and lease agreement with the city. The standard collocation agreement may require payment of the following:

- (1) Up to \$150.00 per year per site for rent to collocate on the city structure;
- (2) Twenty-five dollars per year per site for maintenance associated with the collocation;
- (3) If the provider obtains electrical service through the city, a monthly fee for electrical service as follows:
  - a. Seventy-three dollars per radio node less than or equal to 100 maximum watts;
  - b. One hundred eighty-two dollars per radio node over 100 maximum watts; or
  - c. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit provided, however, the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter, or affect any then-existing agreement between the city and applicant.

Sec. 70-72. - Action on small wireless facility permit applications.

(b) *Consolidated applications.* An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to [45] five (5) small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

- (1) Are located within a two-mile radius;
- (2) Consist of substantially similar equipment; and
- (3) Are to be placed on similar types of wireless support structures.

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.

**INTRODUCED AND READ** in full the 6<sup>th</sup> day of December, 2018.

**PASSED** by the City Council of the City of Blaine this 20<sup>th</sup> day of December 2018.