

SECTION 1107.11 ESSENTIAL SERVICES.

1107.11 SUBD. 1. SCOPE OF REGULATIONS.

For purposes of this Ordinance, essential service facilities shall be classified into two (2) categories (major and minor essential service facilities) and regulated according to the procedures described herein.

1107.11 SUBD. 2. EXEMPT FROM REGULATION.

Required maintenance or rebuilding of any major or minor essential service facility, when such maintenance or rebuilding does not change, expand the capacity, change the capability or change the location of the existing facility, shall be exempt from the regulation of this Section.

1107.11 SUBD. 3. ADOPTION BY REFERENCE OF STATE STATUTES GOVERNING THE PLACEMENT OF PIPELINE.

1. The purpose of this Ordinance is to increase public safety by requiring that new development be set back from pipeline locations.
2. This Ordinance applies to new residential and other development. It does not apply to development that has occurred or for which development permits have been issued before the effective date of this part.
3. Buildings and places of public assembly subject to this Ordinance shall not be constructed closer to the pipeline than the boundary of the pipeline easement.
4. Variance procedures adopted by the City under Minnesota Statutes Sections 462.351 to 462.365 shall apply.

1107.11 SUBD. 4. MAJOR ESSENTIAL FACILITIES PROCEDURE.

Applications for locating any major essential service line or essential service structure in any zoning district shall require a Conditional Use Permit as regulated in Section 1103.08 of this Ordinance in addition to being governed by the following procedures.

1. The applicant shall, on forms provided by the City, file an application, in duplicate, with the Zoning Administrator. The application shall include ten (10) such maps drawn by a professional surveyor indicating location, alignment and type of service proposed, together with the status of any applications made or required to be made under state or federal law to any state or federal agency. The application shall provide the name, address and telephone number of a contact person to which post-construction inquiries related to exact location and depth of essential service facilities may be addressed. The application, in the case of pipelines other than water, shall outline a contingency plan including steps to be taken in the event of a failure, leak or explosion occurring during operation of the pipeline.

The operation of the pipeline shall demonstrate its capability and readiness to execute the contingency plan.

2. One set of the above information shall be furnished to the City Engineer, who shall review the information and forward his/her comments and recommendations to the City Council.
3. The maps and accompanying data shall be submitted to the Planning Commission and City Council for review and recommendations regarding the relationship to urban growth, land uses, drainage facilities, highways and recreation and park areas.
4. Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed major essential service line and essential service structures and shall file such report with the City Council.
5. Upon receipt of the report of the Planning Commission on the essential service lines or structures, the City Council shall consider the application, maps and accompanying data and shall indicate to the applicant its approval, disapproval, or recommend modifications considered desirable to carry out the intent of this Section.

1107.11 SUBD. 5. PROVISIONS FOR MAJOR ESSENTIAL SERVICES.

1. Standards. For major essential service lines, the City Council establishes the standards for construction as outlined in Subd. 6 of this Section.
2. Conditions. In addition to the standards as provided for in Subd. 6 of this Section, the following conditions shall apply to major essential service lines:
 - A. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction.
 - B. Rocks, slash and other construction debris shall be removed from each individual parcel of land where construction takes place within ninety (90) working days of the commencement of major essential service construction on that individual parcel of land. For purposes of this Section, working days are defined as: all days except days between November 15 and April 15 (winter).
 - C. Shelterbelts, windbreaks, fences and vegetation shall be restored to pre-construction condition.
 - D. If preliminary engineering surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.

1107.11 SUBD. 6. STANDARDS FOR CONSTRUCTION OF MAJOR
ESSENTIAL SERVICE FACILITIES

| Table No. 1. | Minimum Depth Under Agricultural Land | Minimum Depth Under Public Road Right-of-Ways | Minimum Depth Under Public Road Surfaces |
|----------------------------------|---------------------------------------|-----------------------------------------------|------------------------------------------|
| Pipelines Natural Gas | (Federal Law) 30" | 4 ½ ft. | 4 ½ ft. |
| Pipelines Petroleum-Hydrocarbons | 4 ½ ft. | 4 ½ ft. | 4 ½ ft. |
| Pipelines Water | 6 ft. | 6 ft. | 6 ft. |
| Pipelines Other | 4 ½ ft. | 4 ½ ft. | 4 ½ ft. |
| Pipelines Underground | 3 ft. | 3 ft. | 3 ft. |
| Powerlines Overhead | N/A | N/A | N/A |
| Telephone Overhead | N/A | N/A | N/A |
| Telephone Underground | 3 ft. | 3 ft. | 3 ft. |

| Table No. 2. | Minimum Height Over Agricultural Land | Soil Restoration |
|----------------------------------|---------------------------------------|------------------------------------------|
| Pipelines Natural Gas | N/A | Restore to Pre-Construction Productivity |
| Pipelines Petroleum-Hydrocarbons | N/A | Restore to Pre-Construction Productivity |
| Pipelines Water | N/A | Restore to Pre-Construction Productivity |
| Pipelines Other | N/A | Restore to Pre-Construction Productivity |
| Pipelines Underground | N/A | Restore to Pre-Construction Productivity |
| Powerlines Overhead | 20 ft. | Restore to Pre-Construction Productivity |
| Telephone Overhead | 20 ft. | N/A |
| Telephone Underground | N/A | Restore to Pre-Construction Productivity |

1107.11 SUBD. 7. INSPECTIONS.

The City Council may require that a qualified inspector be on the site of installation of major essential service lines or structures. The City Council will establish a fee schedule for inspections consistent with applicable state laws and City policies. With respect to pipelines the following shall apply:

Before beginning construction a person proposing to construct a pipeline shall pay an inspection fee to the City. The fee shall be set by the City Council for each mile or fraction of a mile of pipeline that will be constructed in the City. The City Council shall designate an inspector who shall conduct on-site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this Section. The inspector shall promptly report to the City Council any failure or refusal to comply with the provisions of this Section and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply. During on-site inspection the inspector shall maintain a written log which shall include a record of comments and complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims filed by any owner or lessee or failure to comply with the terms of an easement agreement. The log, reports and other records of the inspector shall be preserved by the City Council.

1107.11 SUBD. 8. MINOR ESSENTIAL FACILITIES PROCEDURE.

Applications for locating any minor essential service line or structure in any city easement or right-of-way shall be governed by the following procedures:

1. The applicant shall file with the Zoning Administrator, on forms supplied by the City, an application for such permit accompanied by maps and drawings, if available, indicating the locations, alignment and type of service proposed.
2. The application and accompanying data shall be reviewed by the City Engineer and the Zoning Administrator may issue the permit after determining that the application is acceptable and in the best interests of the City.
3. The Zoning Administrator may require in conjunction with the issuance of such permit that:
 - A. The applicant submit “as-built” drawings of the essential service after construction.
 - B. The applicant is to construct the minor essential service to take into consideration contemplated widening, regrading or relocating of a City street.