Section 91-120 Action on Small Wireless Permit Applications

1. **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.

2. Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation 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.

    c. 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.

3. Tolling of Deadline. The 90-day deadline for action on a small wireless facility permit application may be tolled if:

    a. 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.

    b. 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 ten days to notify the applicant in writing of any still-missing information.

    c. The city and a small wireless facility applicant agree in writing to toll the review period.

Section 91-130 Permit Fees

1. Excavation Permit Fee. The city shall impose an excavation permit fee in an amount sufficient to recover the following costs:

    a. The city management costs.

    b. Degradation costs, if applicable.

2. **Obstruction Permit Fee.** The city shall impose an obstruction permit fee in an amount sufficient to recover the city management costs.

3. **Small Wireless Facility Permit Fee**. The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

    a. Management costs.

b. City engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

4. **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 thirty (30) days of billing.

5. **Non-Refundable**. Permit fees that were paid for a permit that the city has revoked for a breach are not refundable.

6. **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.

Section 91-140 Right of Way patching and Restoration

1. **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.

2. **Patch and Restoration**. 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.

   a. City Restoration. If the city restores the right of way, permittee shall pay the costs thereof within thirty (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 thirty (30) days of billing, all costs associated with correcting the defective work.

   b. 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 Minn. Rule 7819.3000.

   c. In lieu of right of way restoration, a right of way user may elect to pay a degradation fee. However, the right of way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

3. **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 Minn. Rule 7819.1100.

4. **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 (5) 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 Section 91-170.

5. 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 thirty (30) days of billing, the cost of restoring the right of way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.