City Council Item

May 19, 2025

Item	Adopt Ordinance XXX: Right-of-Way Management	
File No.	N/A	**Item No:** D.12
Agenda Section	**CONSENT AGENDA**	
Prepared By	Matt Unmacht, Assistant City Manager	
Reviewed By	Laurie Hokkanen	

SUGGESTED ACTION

"The Chanhassen City Council adopts an ordinance amending Chanhassen City Code, Chapter 17, Article V: Right-of-Way Management and Resolution 2025-XX authorizing publication of a summary ordinance."

Motion Type	Majority Vote of the entire Council
Strategic Priority	Asset Management

SUMMARY

City staff has drafted ordinance amendments to Chapter 17, Article V: Right of Way Management of the City Code. Chapter 17, Article V is designed to preserve the character and maintain the safety of the city's right-of-way. It establishes regulations for the placement, maintenance, and use of facilities within public rights-of-way, aiming to minimize unnecessary encumbrances and promote efficient transportation systems.

Last year, the city ran into some challenges with contractors working in the right-of-way installing fiber optic internet. Some of these challenges included insufficient restoration, property damage, inconsistent working hours, and poor communication. As such, city staff has proposed updating this section of code in response to these challenges. Additionally, the City has made updates to it's right-of-way permitting process to address these issues as well.

This Code update is also adding language to address lack of timely utility relocations upon proper

notice. This issue has become more common on recent public utility projects, and Chanhassen is not the only city running into these challenges. The added Code language allows for recouping of financial impacts to the city, along with penalties.

BACKGROUND

The City Council discussed these changes and challenges during a work session on May 5, 2025.

Notice of the proposed ordinance was published on the city's website for at least ten days. https://www.chanhassenmn.gov/government/city-code/proposed-ordinances/right-of-way-management-ordinance-update

DISCUSSION

The city regulates and issues right-of-way permits in accordance with state and federal law. Cities cannot deny additional telecommunications companies access to public rights-of-way (ROW) solely because multiple providers already exist.

Telecommunications Act of 1996 (Enforced by FCC/federal govt)

https://www.fcc.gov/general/telecommunications-act-1996

Section 253(a): No Barriers to Entry

"No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."

Minnesota Statutes § 237.162 and 237.163

Links to Statute: https://www.revisor.mn.gov/statutes/cite/237.163

https://www.revisor.mn.gov/statutes/cite/237.162

BUDGET

N/A

RECOMMENDATION

Staff recommends approval of the Code updates.

ATTACHMENTS

Proposed ROW Code Updates
Resolution for Summary Publication of ROW Code Updates
Ordinance - ROW