CITY OF ST. PAUL PARK  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA  

ORDINANCE NO. 745  

AN ORDINANCE AMENDING CHAPTERS 58 AND 42 OF THE CITY CODE  
RELATED BUILDINGS, STRUCTURES OR ENCROACHMENTS IN RIGHT-OF-WAY  

WHEREAS, the City of St. Paul Park, Minnesota, wishes to amend certain portions of  
Chapters 58 and 42 of the City Code related buildings, structures, or encroachments in right-of-  
way; and  

NOW THEREFORE, the City Council of the City of St. Paul Park, County of  
Washington, State of Minnesota, does hereby ordain as follows:  

Section 1. That Code Section 58-3 shall hereby be added to read as follows:  

Sec. 58-3. Buildings, Structures or Encroachments in Right-of-Way  

(a) **License Required.** It is unlawful for any person, as owner, lessee, occupant or other  
person in control of any real property within the City, to install, place, build, erect,  
maintain, occupy or use upon any such property any building, structure or physical  
encroachment which, in whole or in part, is installed, placed, built, erected,  
maintained, occupied or used on any portion of the right-of-way of any public street  
or alley, whether such right-of-way exists by reason of statutory or common law  
dedication or easement, without first having obtained a written license therefore  
pursuant to the provisions of this section.  

(b) **Application.** Application for the license required by the provisions of this section  
shall be made on a form provided by the City and shall state:  

(1) The name and address of the applicant;  

(2) The legal description and street address of such property;  

(3) A description of the size and character of the building, structure or  
encroachment to be licensed;  

(4) A legal description of the area of the right-of-way upon which such  
building, structure or encroachment is or is proposed to be located;  

(5) A statement that the applicant shall and agrees to indemnify the City from  
all claims and demands which may arise as a result of the installation,
placement, building, erection, maintenance, occupation or use of such building, structure or encroachment upon such right-of-way;

(6) The name and address of the insurer providing the insurance coverage required herein;

(7) A description of the facts requiring the issuance of the license for which application is made; and

(8) A statement that the applicant understands and agrees that, if the license for which application is made is granted, the license shall be revocable, and that the applicant shall not acquire any vested rights thereunder.

(9) The application shall be submitted to the City Administrator for consideration.

(c) Application Fee. Each application for a license required by the provisions of this section shall be accompanied by an application fee in an amount as set forth in Chapter 42 of the City Code, which fee shall be retained by the City whether or not a license is issued.

(d) Appeal. If the City Administrator denies the application, the applicant may, within thirty (30) days of notice of denial, appeal this decision to the City Council. The City Council shall have the authority to consider any previously denied application and may order the issuance of an encroachment license.

(e) License Agreement. Each license issued pursuant to the provisions of this section shall be embodied in a written license agreement between the City and the applicant of such real property, which license agreement shall include the following:

(1) Purpose. A statement of the purpose for which the licensee may occupy or use the right-of-way;

(2) Term. A statement of the term of the license, to be determined by the City Administrator;

(3) Limitation of Encroachment. A statement that the licensee shall not further encroach upon any right-of-way, except pursuant to a license issued by the City pursuant to the provisions of this section;

(4) Indemnification. A statement that the license shall indemnify and save harmless the City from any and all claims and demands which may arise as a result of the installation, placement, building, erection, maintenance, occupation, or use of such building, structure or encroachment upon such right-of-way;
(5) Maintenance. A statement that the occupation or use licensed shall be maintained by the licensee in a clean, neat, orderly and safe manner;

(6) Insurance. A statement that the licensee shall, at all times during the duration of the license, maintain general liability insurance, naming the City as an additional insured party, in the amount of at least the maximum amounts of tort liability of the City pursuant to statute, with respect to the occupation and use of such right-of-way by the licensee, which insurance shall be evidence by a policy providing, in part, that such insurance shall not be cancelled or terminated by any party, except upon ten (10) days’ prior written notice to the City; and

(7) No Vested Right Created. A statement that the issuance of the license shall not constitute or be construed as creating or establishing any vested right of the licensee or in to such right-of-way, and that the license shall be revocable by the City.

(f) **Removal upon order.** The property owner shall remove any improvements it has placed on the property upon cancellation of the license agreement by either party. Such removal shall be solely at property owner’s expense and shall be completed within 180 days of the date of notice of cancellation. The property owner shall restore any areas damaged or affect by such removal. If removals are not completed, the City will have the removals completed and costs will be assessed to the property.

(g) **Standard of Issuance.** No license shall be granted pursuant to the provisions of this section unless and until the City Administrator shall determine that granting of the application will not endanger the public or interfere with the use of the public of the road or alley located within such right-of-way.

(h) **Investigation.** The City Administrator may, prior to the issuance of any license pursuant to this section, refer such application to any department or advisory commission for the purpose of obtaining the recommendation of such department or commission with respect to such application.

Section 2. That Code Section 42-1 (b) 6. E. shall be amended to include the following fee:

Encroachment over city rights-of-way application fee $150

Section 3. This ordinance shall be in effect upon passage and publication.

ADOPTED by the City Council of the City of St. Paul Park, Minnesota this 15th day of April 2019.
Sandi Dingle, Mayor

ATTEST:

Sharon Ornquist, City Clerk