

AN ORDINANCE REQUIRING ISSUANCE OF A SPECIAL USE PERMIT FOR INSTALLATION OR REMOVAL OF TRANSMISSION LINES, POLES OR TOWERS, PIPE LINES, UNDERGROUND CABLES AND CONDUITS AND PROVIDING PENALTIES FOR VIOLATION.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1005.01 Permits Required.

No person, firm, or corporation shall hereinafter install or relocate within the corporate limits of the City of Oak Park Heights any transmission lines, poles or towers, unless such person, firm or corporation shall have first applied for and obtained a permit for the installation or relocation of the same from the City Council of the City of Oak Park Heights.

1005.02 Application.

The application for the issuance of a permit for the installation or relocation of transmission lines, poles or towers, shall show the proposed relocation and construction specifications of the proposed installation or relocation.

1005.03 Hearing.

Prior to making its decision upon any application for such installation or relocation, the City Council shall hold a public hearing thereon and shall thereafter make its decision. If the application is denied, no further action shall be taken upon it; but if the City Council believes that the application should be granted, the City Council shall by resolution grant the application and it may attach to the grant of the application such conditions and guarantees as it may deem necessary to carry out the purposes of this ordinance.

1005.04 The City Council shall not grant any application unless they find from the evidence submitted by the applicant the following facts:

- A. That the proposed installation or relocation will, insofar as reasonably possible, be located as to minimize interference with the present use and future development of properties affected by such installation.
- B. That the granting of the application will not materially affect adversely the health, or safety of the persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

1005.05 Care of Trees.

No person, firm, or corporation, in conjunction with the installation or removal of transmission lines, poles or towers, pipe lines, underground cables or conduits in the City, shall trim, mutilate or remove any tree standing in the streets, alleys or boulevards or any other public property in said City, or attach any apparatus to any tree standing in said City without the consent of the City Council.

1005.06 Penalties.

Any person, firm, or corporation who violates or fails to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Seven Hundred Dollars (\$700.00) or by imprisonment of not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.