

CHAPTER 17 Essential Services

Amended 2/27/96

Revised and Amended 5/11/10

SECTION 17.1: PURPOSE

To encourage the creative and efficient development of essential services so as to assure they will not have an undue or adverse impact on the preservation of agricultural land, natural environment areas, lakes, streams, rivers and park and recreation areas.

To promote thoughtful, appropriate and sustainable development adjacent to essential services for the purpose of protecting human life and the general health safety and welfare of the citizens of Dodge County.

SECTION 17.2: SCOPE & JURISDICTION

17.2.1 SCOPE

An "*Essential Service*" includes overhead or underground electrical, gas, communication, hydrocarbon, steam or water transmission, distribution or collection system, operated by any public utility company or government agency or as are required for protection of the public health, safety or general welfare. Specifically, this includes an "*Essential Service Line*" and/or an "*Essential Service Structure*" as defined in Chapter 4 of this Ordinance.

An "*Essential Service*" does not include any other buildings, wireless telecommunication facilities, towers, or antennas. Towers associated with Wind Energy Conversion Systems are regulated under Chapter 21 of this Ordinance.

For purpose of this chapter, essential services shall be classified into two categories, *Major* and *Minor Essential Services*, and regulated according to the procedures of this Chapter.

A. MAJOR ESSENTIAL SERVICES - TRANSMISSION

Any *Essential Service Line* and/or *Essential Service Structure* providing station to station transmission of essential services not intended for enroute consumption. This includes, but is not limited to, electric power lines with a voltage greater than 34.5 kV, telephone lines, telegraph lines, cables, or conduits which are used to transport bulk amounts of gas, liquids, or solids in suspension between two points.

- B. **MINOR ESSENTIAL SERVICE- DISTRIBUTION**
Any *Essential Service Line* and/or *Essential Service Structure* providing distribution of an essential service between a *Major Essential Service (Transmission)* and the customers of a utility company or government agency.

17.2.2. **JURISDICTION**

This chapter shall apply to all *Essential Services* proposed for installation in Dodge County.

For all projects that may be subject to local review under Minnesota Statutes 216E.05, Subd. 2, as amended, Dodge County shall request the Minnesota Public Utilities Commission to assume jurisdiction of the environmental review and permitting of the project.

Where federal or state government does not have jurisdiction over a project, or where it exempts from or elects not to accept jurisdiction for project, the County may permit the project as a *Major Essential Service* under this Chapter.

Wherever the provisions of this Chapter are inconsistent or different than State or Federal law, the more restrictive controls shall prevail.

17.2.3. **ENVIRONMENTAL REVIEW**

The Dodge County Planning Commission or Board of Commissioners may require during the consideration of activities under this chapter the completion of an EAW and EIS pursuant to MN Statutes, Section 116D.04, Subd. 2a, item (a), and the rules promulgated there under. The County requires that the developers provide all the data for completion of the EAW or EIS as requested by the County and the developer shall reimburse the County for the total cost of the EAW or EIS consistent with the provisions of MN Statute Section 116D.05 and Minnesota Rules, parts 4410.6000 to 4410.6500.

SECTION 17.3: EXEMPTIONS FROM REGULATIONS

The following activities are exempt from the permitting requirements of this chapter:

- 17.3.1 Required maintenance or rebuilding of any *Major* or *Minor Essential Service*, when such maintenance or rebuilding does not expand the capacity, change the capability or change the location of the existing facility.

- 17.3.2. The installation or maintenance of Single Service Lines from the *Minor Essential Services (Distribution)* to the customers of a utility company or government agency, when such work is not located within a public right of way.

SECTION 17.4: MAJOR ESSENTIAL SERVICES PROCEDURES

Conditional Use Permits, Zoning Permits and Variances shall be submitted on an application provided by the County and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes, Chapter 394. In certain instances, a waiver of depth requirements for pipelines may be allowed under the procedures identified in Section 17.4.5.A. of this Chapter. Construction of a new *Essential Service* that would detrimentally impact the public health, safety and general welfare in a manner that cannot be mitigated shall be prohibited.

17.4.1 PERMITTING PROCEDURE

- A. PERMITS REQUIRED – *Major Essential Services* shall require a Conditional Use Permit in all primary and overlay zoning districts. An *Essential Service Structure* shall require a Zoning Permit and meet all performance standards for the use and the district in which it is located.
- B. APPLICATION REQUIREMENTS - An application to the County for any permit issued under this Chapter shall be submitted on forms provided by the County. If the proposed *Major Essential Services* crosses public waters, a copy of the DNR's approved Utility License to Cross shall be submitted with the application.
- C. REQUIRED SUBMITTALS - An application for a *Major Essential Service* shall be submitted to the Dodge County Zoning Administrator, the Dodge County Highway Engineer and the Clerk of the affected Township(s). If work is proposed that would impact the Dodge County judicial ditch/tile system, a copy of the application shall also be made to the Dodge County Ditch Inspector.

17.4.2. PRE-CONSTRUCTION REQUIREMENTS

Construction authorized for any *Major Essential Service* shall be in accordance with the approved plan, all standards of this Chapter

and the Conditional Use Permit on file in the office of Dodge County Environmental Services Department.

PRIOR TO CONSTRUCTION:

- A. The essential service owner or authorized agent shall notify the County Highway Engineer, the Dodge County Zoning Administrator, and the Clerk of the affected Township(s) no less than forty-eight (48) hours prior to construction.
- B. The essential service owner or authorized agent shall provide proof of insurance for all contractors performing work on the essential service project in accordance with Section 17.12 of this Chapter.
- C. The essential service owner or authorized agent shall submit copies of all final permits, agency approvals and documentation that verify compliance with all relevant state, local and federal regulations to the Dodge County Environmental Services Department.

17.4.3. POST-CONSTRUCTION REQUIREMENTS

- A. AS-BUILTS - Within sixty (60) days of project completion, the essential service owner shall submit to the Dodge County Highway Engineer, the Dodge County Zoning Administrator and the Clerk of the affected Township(s), an as-built drawing of the *Major Essential Service* after construction. For *Major Essential Services* not located within a public road right of way, the as-built shall include a surveyor's description of the course of the essential service as it traverses Dodge County.
- B. OTHER CERTIFICATIONS/INSPECTIONS – When required by the County Board, prior to operation of the essential service, the essential service owner shall provide verification that the essential service is in compliance with all applicable construction and safety codes for the service. The inspection(s) must be performed and documented by appropriately licensed inspector(s)/engineer(s). Any costs associated with the contracted inspection shall be paid by the owner of the essential service.
- C. POST CONSTRUCTION ROAD AUTHORITY SIGN-OFF - The affected Road Authority(ies) shall sign off that all work has been completed to their satisfaction.
- D. RECORDING OF SURVEY MARKERS. The permanent location of monuments or markers found or placed in a

survey of the essential service route shall be placed on record in the office of the County Recorder by the owner of the essential service. No fee shall be charged for recording this information.

17.4.4. INSPECTIONS

- A. INSPECTOR - The County Board may require that a qualified inspector be on the site of installation of a *Major Essential Service*. The Board will establish a fee schedule for inspections consistent with applicable State laws and County policies.
- B. PIPELINE REQUIREMENTS - *With respect to pipelines, the following shall apply.* The County Board shall hire a qualified inspector to inspect the pipeline construction. Before beginning construction the applicant shall pay an inspection fee to the County Finance Director. The fee shall be in the amount up to \$500 for each mile or fraction of a mile of pipeline that will be constructed in the County. The County may also assess additional fees for the public hearing process.
- C. INSPECTIONS - If the inspector determines the *Major Essential Service* project is not in compliance with this Chapter or any permit issued for the project, the inspector shall immediately notify the County Board. Enforcement actions shall follow the procedures identified in Chapter 19 of the Dodge County Zoning Ordinance.

The inspector shall maintain a written log which shall be filed with the Conditional Use Permit located in the Environmental Services Department. The log shall include:

- i. A record of comments and complaints concerning the essential service construction.
- ii. Any issues regarding failure to settle damage claims filed by any owner or lessee.
- iii. Any failure to comply with the terms of an easement agreement.
- iv. Status of compliance with the ordinance and all applicable permits.

- v. Status of compliance with all required permits issued by other federal, state or local agencies.

17.4.5. VARIANCE REQUESTS

A. FOR PIPELINES, WAIVER OF DEPTH REQUIREMENT - In any easement granting right of way for a pipeline over agricultural land the grantor of the easement may waive the minimum depth of cover established in Section 17.5.4 with respect to all or part of the pipeline to be buried under that land. A waiver of the minimum depth of cover shall be effective only if the waiver:

- i. Is separately and explicitly stated in the easement agreement and includes a statement by the grantor acknowledging that he has read and understood the waiver.
- ii. Is printed in capital letters and in language understandable to an average person not learned in law.
- iii. Is separately signed or initiated by the grantor. All signatures on the waiver shall be witnessed and signed by a Notary Public and the waiver shall be recorded in the Dodge County Recorder's Office.

B. VARIANCES - Variance requests from standards established in this Chapter shall be processed under the administrative procedures of Chapter 18. In addition to the criteria for the granting a variance defined in Chapter 18, applicants will need to show that:

- i. A depth or height less than that required in Section 17.5.4 is reasonably necessary to allow transition from Dodge County to a bordering County.
- ii. A variance is reasonably necessary to allow for a transition in depth from agricultural land for which a waiver has been granted according to Section 17.4.5.A of this Chapter and adjoining parcels of land.
- iii. A variance is reasonably necessary for the installation of required essential service structures or apparatus and the variance is for the immediate vicinity of the essential service structure.

- C. VARIANCE PROHIBITION - No variance shall be granted so as to allow any essential service line to be placed at a depth less than the depth established in Section 17.5.4 beneath the authorized depth of drainage facilities or the right of ways of roads under the jurisdiction of the County.

SECTION 17.5: PERFORMANCE STANDARDS FOR MAJOR ESSENTIAL SERVICES

17.5.1. SAFETY DESIGN STANDARDS

- A. EQUIPMENT – Equipment shall conform to applicable industry standards.
- B. CLIMBING APPARATUS – All climbing apparatus shall be located at least fifteen (15) feet above the ground. *Essential Service Structures* shall have controlled access and be secured at all times.
- C. WARNINGS - Appropriate warning signs shall be posted on *Essential Service Structures*. Signs with emergency contact information shall also be posted at a suitable and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the *Essential Service Structure*.

17.5.2. HEIGHT STANDARDS

- A. All *Essential Service Lines* permitted under a CUP are exempt from the height performance standards of the underlying zoning district.

17.5.3. CONFIGURATION STANDARDS

- A. COLOR AND FINISH - All *Essential Service Structures* shall be white, light blue gray, beige or another non-obtrusive color. Finishes shall be matte or non-reflective.
- B. LIGHTING - Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

17.5.4. DEPTH AND CLEARANCE FOR ESSENTIAL SERVICE LINES

TYPE OF TRANSMISSION	UNDER AG LAND	UNDER ROW	UNDER ROAD SURFACE	TILE CLEARANCE	UNDER DITCH*	OVER LANDS	TOPSOIL SEGREGATION
Pipeline – Natural Gas	4.5'	4.5'	4.5'	12"	4.5'	NA	2'
Pipeline – Petroleum Hydrocarbon	4.5'	4.5'	4.5'	12"	4.5'	NA	2'
Pipeline - Water	6'	6'	6'	12"	4'	NA	2'
Pipeline - Other	4.5'	4.5'	4.5'	12"	4.5'	NA	2'
Power lines - Underground	3'	3'	3'	12"	4'	NA	NA
Power lines - Overhead	NA	NA	NA	NA	NA	20'	NA
Communications - Underground	3'	3'	3'	12"	4'	NA	NA
Communications - Overhead	NA	NA	NA	NA	NA	20'	NA

* Minimum depth under authorized depth of drainage ditch.

17.5.5. SETBACKS FOR ESSENTIAL SERVICE STRUCTURES
Essential Service Structures shall meet all applicable performance standards for the use and the zoning district in which it is located.

17.5.6. SETBACKS FOR MAJOR ESSENTIAL SERVICE LINES
 For the following *Major Essential Services* that are not located within a public road right-of-way, the following setbacks apply. All distances are measured from the closest edge of the easement to the closest part of the structure.

ESSENTIAL SERVICE LINE	OCCUPIED STRUCTURES	UNOCCUPIED STRUCTURES	FACILITIES REQUIRING ASSISTED EVACUATION*
Pipelines - Natural Gas	150'	25'	500'
Pipelines - Hazardous Liquids	50'	25'	100'
Power lines - Overhead	100'	50'	100'
Power lines - Underground	50'	25'	50'

17.5.7. FACILITIES REQUIRING ASSISTED EVACUATION - "Facilities requiring assisted evacuation" include, but are not limited to, congregate living, convalescent services, detention facilities, day care services, hospitals, clinics, public and private schools, retirement housing, nursing homes, group homes or other similar uses.

- A. A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within five hundred (500) feet of a hazardous pipeline.
- B. This prohibition does not apply to a structure that is located between 200 and 500 feet of a hazardous pipeline if by

resolution the Board determines, after receiving a recommendation from the Emergency Management Director and Fire Chief of the applicable district, that the structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of pipeline leak or fire associated with the pipeline after considering:

- i. The requirements of the Uniform Fire Code
- ii. The site and structure design
- iii. The structures building materials
- iv. The structures distance from the pipeline,
- v. The use of radiant energy barriers
- vi. Access to the site and the structure by emergency responders;
- vii. Available on-site resources for emergency responders
- viii. Topography and other natural features
- ix. The use of the structure; and
- x. The evacuation capability of the occupants

SECTION 17.6: DEVELOPMENT STANDARDS

In addition to the performance standards of Section 17.5, the following shall apply to all permits or approvals required for Essential Services:

17.6.1. ROADS, DRIVES & ACCESSES

- A. Essential services shall be located so as not to impair existing and future transportation routes.
- B. Private roads, driveways or lanes damaged by actions associated with the construction, operation or maintenance of essential services shall be immediately repaired to the pre-existing condition, unless otherwise negotiated with the affected landowner.
- C. All public and private roads, driveways or other access shall be bored unless the Board of County Commissioners approves an alternate procedure. Those unpaved roads that are infrequently used and not regularly maintained may be cut, backfilled and compacted with material to the County Highway Engineer's specifications if approved by the affected Road Authority.

- D. Each installation under a public road shall meet the approval of the Dodge County Highway Engineer. The County Highway Engineer will also require additional permits and bonding requirements for all County State Aid Highways and County Roads. If a Township road is involved, the Town Board's approval of the method of installation shall be required prior to construction.
- E. Any disturbed soils shall be fine graded and seeded with a MnDOT approved seed immediately following construction.
- F. The County shall provide written notice to the owner of affected essential service(s) of any changes or improvements proposed to the County ROW or within 100 feet of the ROW. Within forty-five (45) days of receipt of the notice, the owner shall alter, change, vacate or remove the essential facility to conform to the proposed changes or improvements. All costs of relocation or removal of the essential service shall be paid by the owner of the essential service.
- G. During construction of underground essential services, the essential service owner shall provide suitable crossovers installed over the essential service as needed by the property owner.

17.6.2. DRAINAGE SYSTEMS

- A. Essential services shall be located so as not to impair existing and future drainage systems.
- B. During construction, operation, and maintenance of a *Major Essential Service*, damages to public and private drainage systems shall be avoided.
- C. If avoidance of public and private drainage systems is not possible, the owner of the essential service shall minimize and mitigate impacts to the maximum extent feasible.
- D. The owner of the essential service shall hire a local agricultural drainage company to immediately repair any damage to public and private drainage systems stemming from construction, operation, or maintenance of the *Major Essential Service*. Before repair work is completed, any tile openings shall be protected to prevent dirt, silt or animals from entering the system. Any repair work performed on

public ditches shall be approved by the Dodge County Ditch Inspector. All costs associated with the repair work shall be paid by the owner of the essential service.

- E. If settling of a tile line repair or installation trench occurs after construction, the owner of the essential service shall ensure tile is properly functioning prior to repair to preconstruction. All costs associated with repair work or any losses caused by the settling shall be paid by the owner of the essential service.
- F. Public ditch banks shall be seeded and mulched a minimum of one rod (16.5 feet) in width from the top of the bank as soon as possible, but not later than fourteen (14) days following installation. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).
- G. The construction, maintenance or operation of an *Essential Service Line* that crosses any public or private watercourse, including drainage ditches shall not impede the normal flow of water.
- H. Any relocation or improvement of an essential service that is required as a result of establishment, improvement or repair or any County or judicial ditch shall be at the expense of the essential service owner.
- I. A pipe shall be installed to accommodate future installations of drain tile at location and depths as shown on plans given to the essential service facility by the property owner, if a private tile, or by the ditch authority if a County or judicial tile. If a County or judicial or private drainage system shall later be established, improved or repaired or additional lines installed to effect proper drainage, the essential service owner shall reimburse the ditch authority or property owner for any necessary additional installation expenses incurred which are directly attributed to the presence of the pipeline.
- J. Appropriate erosion control methods shall be applied to prevent the deposition of sediment into watercourse or wetlands. Stream banks and other disturbed areas adjacent to watercourses and wetlands shall be immediately stabilized and re-seeded or sodded within seven (7) days of disturbance, weather permitting. The owner of the essential service is responsible for ensuring that any disturbance is

successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).

- 17.6.3. PROPERTY – The essential service owner shall protect and restore property impacted by essential services and mitigate the adverse impacts of construction on the use of that land.
- A. APPLICATION OF HERBICIDES AND/OR PESTICIDES – Use of herbicides and/or pesticides is restricted to those approved by the Minnesota Department of Agriculture. Methods and rates of application of herbicides and/or pesticides shall be in accordance with recommendation of the Minnesota Department of Agriculture. The essential service owner shall contact the landowner prior to application.
 - B. FENCES – The essential service owner shall promptly repair or replace all fences and/or gates removed or damaged during the project life and provide continuity of electric fence circuits.
 - C. TREE REMOVAL – The essential service owner shall minimize the removal of trees and shall not remove trees or shelter belts without approval of the affected landowner.
 - D. WINDBREAK REPLACEMENT/SHELTERBELT – Shelterbelts and windbreaks shall be replaced to pre-construction density, unless:
 - i. Replacement will interfere with normal operation and maintenance activities of the major essential service.
 - ii. Otherwise negotiated with the affected landowner.
 - E. TOPSOIL AND COMPACTION – The essential service owner shall protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner. Soil compaction of all lands shall be minimized during all phases and confined to as small of an area as possible.
 - F. ACCESS - Essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
 - G. EROSION - Critical areas (slopes greater than 12% or other areas subject to erosion) shall be seeded and mulched as

soon as possible after construction. The owner of the essential service is responsible for ensuring that any disturbance is successfully rehabilitated to a minimum established vegetation cover of seventy percent (70%).

- H. LAWNS - Existing lawns impacted during construction shall be re-sodded, unless otherwise negotiated with the affected property owner.
- I. DEBRIS - Rocks, slash and other construction debris shall be completely removed from each individual section of land where construction takes place within thirty (30) days of the commencement of the essential service construction on that individual section of land.
- J. LITTER - Clean up of personal litter, bottles, and paper shall be done on a daily basis.
- K. EXCAVATED AREAS – Re-grading and backfilling of any excavated areas shall be completed to County Highway Engineer requirements.

SECTION 17.7: INDEMNIFICATION

- 17.7.1. The owner of the essential service shall indemnify, keep and hold Dodge County, each Township crossed by the essential service, and every public ditch system free and harmless from all claims resulting from injury or damage to persons or property caused by the construction, maintenance, repair, or operation of the essential service, except where the acts or omissions, of the County, Township, or ditch system have caused the injury or damage.
- 17.7.2 The owner of the essential service shall indemnify and hold harmless the property owner, family, tenants, and employees from and against all claims resulting from the presence of the essential service, including those caused by negligence while engaged in normal farming operations, excluding drainage, improvements, drilling or blasting activities.
- 17.7.3 Where the property owner notifies the essential service owner through the Statewide notification center of Gopher State One Call (GSOC) of intent to excavate or dig, excluding farming activity on the easement right of way or adjacent thereto, the essential service owner will indemnify and hold harmless the landowner, his family, tenants and employees from all claims for damages resulting from

the preservation of the essential service and caused by the specified activity for which notice was given.

- 17.7.4 In the event the property owner notifies the owner of the essential service of the need for emergency repairs to drainage ditches or tile, indemnification shall be provided by the essential service owner upon forty-eight (48) hours notification through GSOC. Emergency repairs shall include repairs necessary to avoid delays in preparation of the soil and planting and harvesting of crops where the need for emergency repairs are specified in the notification.

SECTION 17.8: DISCONTINUANCE

- 17.8.1. If at any time the use of an *Essential Service Line* or *Essential Service Structure* is discontinued for one hundred eighty (180) days, the County Board may declare the facility abandoned. Discontinuance excludes any dormancy period between construction and the initial use of the facility. The owner of the facility shall be notified in writing and instructed to either reactivate the use within one hundred eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the County will remove or will contract to have removed the facility and assess the owner/operator the costs.

SECTION 17.9: VIOLATIONS & ENFORCEMENT

- 17.9.1. A violations of any part of this Chapter or any provision of any permit issued under this Chapter is a misdemeanor and subject to the enforcement procedures and processes identified in Chapter 19 of the Dodge County Zoning Ordinance.

SECTION 17.10: FEES

- 17.10.1. The Fees for a zoning permit, variance, amendment, or conditional use permit, shall be established by the County Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Permit only after the fee has been paid and a determination has been made that the application complies with the terms of the Conditional Use Permit, the performance standards of this section, and other relevant portions of the Dodge County Zoning Ordinance.

- 17.10.2. Fees for the inspection of pipelines are governed by Minnesota Statutes 216G.07, Subd. 6, or successor. The fee shall be in the amount of five hundred dollars (\$500) per mile or fraction of a mile of pipeline that will be constructed in Dodge County.

SECTION 17.11: MINOR ESSENTIAL SERVICE PROCEDURE

It is the intention of this Chapter that *Minor Essential Services*, excluding *Essential Service Structures*, shall be located entirely within a public road right-of-way (ROW).

Based upon their location, *Minor Essential Services* will be permitted under the procedures of 17.11.1, 17.11.2, or 17.11.3 below. *Essential Service Structures* associated with *Minor Essential Services* shall require a Zoning Permit and meet any performance standards for the use and all applicable setbacks. Zoning Permits and Variances associated with *Minor Essential Services* shall be submitted on an application provided by the Dodge County Environmental Services Department and reviewed under the procedures established in Chapter 18 of the Dodge County Zoning Ordinance and Minnesota Statutes, Chapter 394. If a proposed *Minor Essential Services* project crosses public waters, a copy of the DNR's approved Utility License to Cross must be submitted with the application to the Road Authority.

17.11.1 FOR WORK WITHIN COUNTY ROAD RIGHT OF WAY (ROW)

Applications for locating any *Minor Essential Service Line* in any County easement or ROW shall be governed by the following procedures:

- A. The applicant shall file with the Dodge County Highway Engineer, Dodge County Zoning Administrator and affected Township(s), on form supplied by the Dodge County Highway Department, an application for a permit accompanied by maps and drawings, if available, indicating the locations, alignment, type of service proposed and any associated *Essential Service Structures*.
- B. Any *Essential Service Structure* associated with *Minor Essential Service* projects shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located.
- C. For applications without *Essential Service Structures*, the application and accompanying data shall be reviewed by the

County Engineer and the County Engineer may issue the permit.

- D. The County Engineer may require in conjunction with issuance of the permit that:
 - i. The permittee submits as-built drawings of the essential service after construction.
 - ii. The permittee constructs the *Minor Essential Service* to take into consideration contemplated widening, re-grading or relocation of a County Highway or County State Aid Highway.
 - iii. Other requirements as determined by the engineer after discussion with the essential service provider.

17.11.2 FOR WORK WITHIN TOWNSHIP ROAD RIGHT OF WAY

Applications for locating any *Minor Essential Service* in any Township ROW shall be governed by the following procedures:

- E. The applicant shall contact the Clerk of the affected Township(s) to provide information on the alignment and type of service proposed.
- F. Any *Essential Service Structures* associated with a *Minor Essential Service* shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located.
- G. Prior to construction, the applicant shall provide the Dodge County Highway Engineer and Zoning Administrator copies of written permits or approval(s) from each Township which the *Minor Essential Service* traverses.

17.11.3. FOR WORK OUTSIDE OF ANY ROAD RIGHT OF WAY

It is the intention of this Chapter that *Minor Essential Service Lines* be located entirely within a public road ROW. Unless prior approval from the Road Authority is granted, *Essential Services Lines* not located within a public road right of way shall meet the structure setback of the zoning district in which it is located.

- A. *Minor Essential Service Lines* located outside of the road ROW, but less than the structure setback shall require approval from the Road Authority. The Road Authority may require modifications to the proposed *Minor Essential Service Line* to accommodate future expansion or road improvement projects.
- B. Any *Essential Service Structure* associated with a *Minor Essential Service* shall require a Zoning Permit from the Environmental Services Department and shall meet all performance standards for the use and district in which it is located
- C. *Minor Essential Service Lines* that are located outside of the road ROW, located beyond the required building setback and are equal to or greater than the minimum depth or clearance standards do not require a permit.

SECTION 17.12: CERTIFICATES OF INSURANCE

17.12.1. Prior to construction, Certificates of Insurance, or self insurance for all contractors performing work on the essential service shall be submitted to the Zoning Administrator and Highway Engineer.

All certificates of insurance shall contain a provision that the policies will not be canceled or materially changed until at least ten (10) days prior to written notice has been given to the Dodge County Highway Engineer and Dodge County Zoning Administrator. This insurance or self insurance shall terminate upon completion of the construction of the essential service. This insurance shall be written for no less than the following limits:

<u>WORKERS COMPENSATION</u>	Minn. Statutory
<u>CONTRACTORS (GENERAL?)</u>	
Bodily Injury	
Each Person	\$ 500,000.00
Each Accident	\$1,500,000.00
Property Damage	
Each Accident	\$ 500,000.00
Aggregate	\$ 1,500,000.00

AUTOMOBILE LIABILITY

Bodily Injury

Per Claimant \$ 500,000.00

Per Occurrence \$1,500,000.00

Property Damage

Per Claimant \$ 500,000.00

Per Occurrence \$1,500,000.00