

7819.1000 FEES AND PENALTIES.

Subpart 1. **Permit fee.** A local government unit that requires a permit for excavation in or obstruction of the public right-of-way shall make its permit fee schedule available to the public. The permit fee schedule must be established in advance and designed to recover the local government unit's actual costs incurred in managing the public right-of-way.

Subp. 2. **Allocation of permit fees.** Permit fees must be based on an allocation among all users of the public right-of-way, which shall include the local government unit itself, so as to reflect the proportionate costs imposed on the local government unit by each of the various types of users of the public rights-of-way. Although the local government unit must be allocated its proportionate share of permit fees, the local government unit need not transfer funds to pay permit fees.

Permit fees must be allocated in a competitively neutral manner and must be imposed in a manner so that aboveground uses of public rights-of-way do not bear costs incurred by the local government unit to regulate underground uses of public rights-of-way.

Subp. 3. **Delay penalty.** A local government unit may establish and impose a reasonable penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty must be established from time to time by resolution of the local government unit's governing body. A delay penalty must not be imposed if the delay in project completion is due to circumstances beyond the control of the applicant, including without limitation inclement weather, acts of God, or civil strife.

Statutory Authority: *MS s 237.163*

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