



## **Memorandum**

DATE: February 10, 2010

TO: Menasha Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*

RE: Recommendation for Utility Cabinet Application Fee Amount

The City of Menasha adopted an ordinance in 2009 regulating the installation of utility cabinets (see attached). The ordinance establishes criteria for which a permit is required and establishes guidelines for the placement of the cabinets.

Section 9-4-3(h) requires the payment of a Utility Cabinet application fee in an amount set by the Common Council. In evaluating what the proper fee amount should be, consideration of expected staff time was made given the permit issuance requirements set forth in the ordinance. Based on that evaluation, I recommend the Utility Cabinet application fee be established at \$150.

Attachment

M:\word\BPW memo re utility cabinet fees 2-10-10.doc

## AN ORDINANCE RELATING TO THE INSTALLATION OF UTILITY CABINETS

Introduced by Alderman Benner

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Chapter 4, Title 9 is created to read as follows:

### **SEC. 9-4-1 UTILITY CABINETS REGULATED.**

(a) Public franchise utility cabinets, electric distribution system cabinets and telecommunication system utility cabinets, hereafter referred to as Utility Cabinets, are subject to requirements of this section.

### **SEC. 9-4-2 APPLICABILITY.**

(a) A permit is required for the installation of all Utility Cabinets except as follows:

- (1) Cabinets under 32 cubic feet and less than four feet in height located in the rear yard or outside of a front yard setback.

### **SEC. 9-4-3 APPLICATION REQUIREMENTS.**

Application for the installation of Utility Cabinets shall be made on forms available from the Director of Public Works or his/her designee hereafter referred to as DPW and shall include the following information:

- (a) Name, address, phone number and e-mail address of the applicant.
- (b) A description of the project including the relationship of the Utility Cabinet(s) to the overall utility system and the size and location of related elements of the proposed Utility Cabinet.
- (c) A description of the function of the cabinet documenting the required size of the cabinet and the maximum spacing from other cabinets serving a related function.
- (d) A site plan showing the location of the proposed cabinet in relation to street right-of-way, sidewalks, terraces, driveways, above ground utilities, trees, traffic control devices, fences, hedges, and structures within 100 feet of the proposed site.
- (e) A scaled drawing showing the dimensions of the cabinet and base. The drawing shall indicate the color of the cabinet and shall depict the location and size of any lettering, logo's or other symbols that may be applied on or attached to the cabinet. The location of any electric meters shall also be depicted.
- (f) An affidavit stating that property owners within 100 feet of the proposed utility cabinet installation were notified of the proposed installation. Such notice shall include a description of the size, height, location and appearance of the utility cabinet and also describe any proposed landscaping or other means of screening the cabinet. Such notice shall include the contact person at the utility and be sent by certified mail, return receipt requested at least five working days prior to submitting to application to the DPW.
- (g) Any other information the DPW may determine as relevant to the placement of the Utility Cabinet.
- (h) Payment of a Utility Cabinet application fee in an amount set by the Common Council.

### **SEC. 9-4-4 GUIDELINES FOR PLACEMENT OF UTILITY CABINETS.**

Wherever feasible, utility cabinets should be placed in rear yards or other areas not visible from the street right-of-way. If practical alternatives to placing the cabinets in the right-of-way or front yard setback do not exist, cabinets shall be screened in a manner consistent with the criteria for transitional areas outlined in Sec. 13-1-17(3) of the Menasha Code of Ordinances.

**SEC. 9-4-5 PERMIT ISSUANCE:**

Following review, the DPW may issue, deny, or issue with conditions a permit for the proposed Utility Cabinet within 30 days of receipt of the completed application. If denied, the DPW shall state the reasons for such denial in writing. The DPW may attach conditions to the permit related to the size, height, location or appearance of the Utility Cabinet including requirements for landscaping or other screening of the cabinet. The DPW shall consider the following criteria when evaluating a permit application for a Utility Cabinet:

- (a) The rationale set forth by the applicant in Sec. 9-4-3(b & c) stating the need for a Utility Cabinet at the specified location.
- (b) The location of the Utility Cabinet in relation to the features described in 9-4-3(d).
- (c) The overall appearance of the Utility Cabinet including the features described in 9-4-3(e).
- (d) Other factors as may be relevant to the placement of the Utility Cabinet.

**SEC. 9-4-6 APPEAL.**

The applicant may appeal any permit denial or condition attached to the Utility Cabinet permit. Such appeal shall be made, in writing, to the Board of Public Works within 30 days of permit denial or issuance with conditions. In considering an appeal of a permit denial, the Board of Public Works may affirm the DPW's denial, or grant the permit with such conditions as it deems necessary. In considering an appeal of permit conditions, the Board of Public Works may affirm the conditions as noted by the DPW, or rescind, modify or add conditions as it deems necessary.

**SEC. 9-4-7 REVOCATION.**

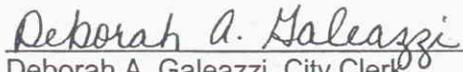
Permits for Utility Cabinets may be revoked by the DPW if:

- (a) The project is not constructed in accordance with the plan submitted under Sec. 4(a).
- (b) The conditions attached to the permit by the DPW have not been met within 180 days of permit issuance.
- (c) The use of the cabinet has been discontinued for a period of not less than 60 days.

SECTION 2. This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this 2<sup>nd</sup> day of March, 2009.

  
\_\_\_\_\_  
Donald J. Merkes, Mayor

ATTEST:   
\_\_\_\_\_  
Deborah A. Galeazzi, City Clerk