

Citrus Heights Municipal Code Draft Underground Utility Districts

CHAPTER 98 UTILITIES

ARTICLE VI. UNDERGROUND UTILITY DISTRICTS

Sec. 98-300. - Definitions.

The following words and phrases, whenever used in this chapter, shall have the respective meanings assigned to them in this section:

- (a) "City" means the City of Citrus Heights, California.
- (b) "Council" means the City Council of the City.
- (c) "Commission" means the Public Utilities Commission of the State of California.
- (d) "Overhead Facilities" means any poles, towers, supports, wires, cables, lines, fiber optics, conduits, conductors, guys, stubs, platforms, crossarms, braces, transformers, capacitors, insulators, cutouts, switches, communication circuits, appliances, apparatus, appurtenances, and other equipment and structures located above ground used to supply electricity or communications services in or through the City.
- (e) "Person" means and includes individuals, partnerships, firms, utilities, corporations, and public agencies affected by an Underground Utility District.
- (f) "Underground Facilities" means any concrete pads, vaults, pull boxes, conduits, cables, fiber-optics, transformers, switches, pedestal-mounted terminal boxes, meter cabinets, or concealed ducts located on or below ground in the City used to supply electricity or communications services in or through the City.
- (g) "'Underground Utility District" or "District" means that area in the City within which Overhead Facilities are required to be removed or otherwise installed underground, as such area is described in a resolution adopted pursuant to the provisions of Section 98-305 of this Article.
- (h) "Utility" or "Utility Company" means and includes all persons or entities supplying power or communication, or associated services by means of electrical materials or any other devices, with Underground Facilities and/or Overhead Facilities in the City.

Sec. 98-301. – Purpose

To improve the reliability of electrical and communication services for the benefit of residential and commercial Utility customers, to increase property values, to enhance the aesthetic appearance of the City; to reduce the cost of tree trimming and replacement of Overhead Facilities; to reduce outages caused by winds, storms, and accidents; to reduce the risk of fires and improve public safety by removing potential obstacles in traffic accidents; and to otherwise provide for the health, safety, and welfare of the public or to protect and improve the quality of the public's urban environment, the City deems it necessary that, where feasible and within the Council's jurisdiction, all existing and future Overhead Facilities be undergrounded in or through the City.

Sec. 98-302. - UNLAWFUL ACTS.

- (a) It shall be unlawful for any Person to construct, install, or erect Overhead Facilities in the City of Citrus Heights, except as otherwise provided in this Article.
- (b) Whenever the Council, by resolution, creates an Underground Utility District, it shall be unlawful for any Person to keep, maintain, continue, or replace Overhead Facilities in the District after the date such Overhead Facilities are ordered to be removed by such resolution, except as to those Overhead Facilities minimally necessary to furnish service to an owner or occupant of property prior to and during the process of undergrounding said Overhead Facilities, and except as otherwise provided for in this Article.

Sec. 98-303. – Public Hearing to Consider Designating Underground Utility Districts; Notice.

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The Council may propose any part or parts of the City as a single District or as multiple Districts. The City Clerk shall notify all affected property owners, as shown on the last equalized assessment roll, and utilities concerned, by mail, of the time and place of such hearings at least fifteen days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.

Sec. 98-304. – City Engineer; Report; Contents.

Prior to holding such public hearing, the City Engineer shall consult with all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the city and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

Sec. 98-305. – Districts; Designation by Resolution.

If, after any public hearing, the Council finds that the public necessity, health, safety or welfare requires such removal and underground installation within a designated area, the Council shall, by resolution, declare that designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such District and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

Sec. 98-306. – Emergency service—Unusual circumstances— Exceptions.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed ten days, without authority of the City Council, in order to provide emergency service. The City Manager may grant special permission on such terms as

he may deem appropriate in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

Sec. 98-307. – Exceptions to provisions.

This Article, and any resolution adopted pursuant to Section 98-305 shall not apply to the following types of facilities:

- (a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;
- (b) Poles or electroliers used exclusively for street lighting;
- (c) Overhead wires, exclusive of supporting structures, crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- (d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;
- (e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building without crossing any public street;
- (f) Antennae, associated equipment and supporting structures used by a utility for furnishing communication services;
- (g) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
- (h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Sec. 98-308. – Notice to property owners and utility companies.

- (a) Within ten days after the effective date of a resolution adopted pursuant to Section 98-305, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. The City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.
- (b) Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 98-305, together with reference to applicable code sections of this chapter, to affected property owners, as such are shown on the last equalized assessment roll, and to the affected utilities.

Sec. 98-309. – Utility company responsibility.

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 98-305, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission.

Sec. 98-310. – Property owner responsibility; Failure to act; Notice when.

Every person owning, operating, leasing, occupying or renting a building or structure within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 98-303 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 98-305, the City Engineer shall give notice, in writing, to the person in possession of said premises, and a notice, in writing, to the owner thereof as shown on the last equalized assessment role, to provide the required underground utilities within ten days after receipt of such notice.

Sec. 98-311. – Notice to Provide Underground Facilities; Service of Notice.

The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on such person, the notice must be deposited in the United States mail, in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises. The notice must be addressed to the owner thereof at such owner's last known address, as the same appears on the last equalized assessment role, and when no address appears, to General Delivery, City of Citrus Heights. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Engineer shall, within forty-eight hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on said premises.

Sec. 98-312. – Notice to Provide Underground Facilities; Contents of Notice.

The notice given by the City Engineer to provide the required underground facilities shall particularly specify that work is required to be done, and shall state that, if said work is not completed within thirty days after receipt of such notice, the City Engineer may authorize disconnection and removal of any and all overhead service to said property, or, in the alternative, the City Engineer will provide such underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

98-313.- Report from City Engineer; Contents; Hearing; Time.

Prior to the time such work is commenced by the City Engineer or prior to the authorization of disconnection and removal of overhead service wires and associated facilities supplying utility service to said property, the City Engineer shall file a written report with the City Council setting forth the fact that the required underground facilities are to be provided and the cost thereof,

together with the legal description of the property against which such cost is to be assessed. The City Council shall thereafter fix a time and place for hearing protests against the performance of such work upon such premises or for hearing protests against the authorization of disconnection and removal of said service, which time shall not be less than ten days after the expiration of the thirty-day period referred to in Section 98-312.

98-314.- Hearing; Council action.

Upon the date and hour set for protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject said report or the order of City Engineer authorizing disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

98-315.- Disconnection; Work by city; Assessment; Hearing.

If the City Council affirms the authorization of disconnection, the City Engineer shall terminate said service, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission. If the City Council affirms the report of the City Engineer, the City Engineer shall forthwith proceed to do the work; provided, however, that if such premises are unoccupied and no electrical or communication services are being furnished thereto, the City Engineer shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Engineer, the City Engineer shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which time shall not be less than ten days thereafter.

98-316.- Assessment; Notice; Contents.

The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice, in writing, to the person in possession of such premises, and a notice, in writing, to the owner thereof, in the manner provided in Section 98-311 for the giving of the notice to provide the required underground facilities, of the time and place that the Council will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

98-317.- Assessment; Hearing; Council action.

Upon the date and hour set for the hearing of protests, the Council shall hear and consider all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

98-318. - Lien on property; When; Collection.

If any assessment is not paid within five days after its confirmation by the Council, the amount of the assessment as made by the City Engineer, and the City Engineer is directed to turn over to the assessor and tax collector a notice of lien on each of said properties on which the assessment has not been paid, and said assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. Said assessment shall be due and payable at the same time as

property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per year.

98-319. - City responsibility.

The city shall remove, at its own expense, all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 98-305.

98-320. - Extension of time.

In the event that any act required by this Article, or by a resolution adopted pursuant to Section 98-305, cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.