

ORDINANCE NO. 10853
(New Series)

JUN 13 1972

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1,
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 61.0507, 61.0508,
61.0511 and 61.0514 RELATING TO THE SAN
DIEGO UNDERGROUND UTILITIES PROCEDURAL
ORDINANCE.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter VI, Article 1, Division 5, of
the San Diego Municipal Code be amended by amending Sections
61.0507, 61.0508, 61.0511 and 61.0514 to read as follows:

SEC. 61.0507 NOTICE

(a) The City Clerk shall notify all affected persons
and each utility company concerned of the time and place
of the hearings at least fifteen (15) days prior to the
date thereof.

(b) Notices given under this section may be given
either by personal service or by mail. In case of service
by mail, each notice must be deposited in the United
States mail in a sealed envelope with postage prepaid.
Each notice to an owner of real property in District, or
proposed District, shall be addressed as such owner's
name appears, and at the address listed for such owner,
on the last equalized assessment roll of the County of
San Diego. Each notice to an occupant of real property
in District, or proposed District, shall be addressed

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to occupant at the street address or addresses located on the real property. Notice given by mail shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof.

(c) The City Clerk shall cause the resolution calling a public hearing as set forth in Section 61.0506 of this Code to be published in a newspaper of general circulation as defined in Section 6000 of the California Government Code. Publication of the resolution shall be for one time, not less than five (5) days prior to the date of the public hearing stated in said resolution.

SEC. 61.0508 COUNCIL MAY DESIGNATE UNDERGROUND UTILITY DISTRICTS BY RESOLUTION

If, after the public hearing, the Council finds that the public health, safety or general welfare requires removal of poles, overhead wires and associated overhead structures and underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within a designated area, the Council shall, by resolution declare the designated area an Underground Utility District and order the removal and underground installation. Immediately following its adoption, the City Clerk shall cause a certified copy of the resolution to be recorded in the office of the County Recorder. The

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resolution shall include a description and map of the area comprising the District. It shall also provide that the Council shall by subsequent resolution fix the time within which:

(i) property in the District must be ready to receive underground service, and

(ii) poles, overhead wires and associated overhead structures shall be removed.

A reasonable time shall be allowed for 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. 61.0511 NOTIFICATION OF AFFECTED PERSONS AND UTILITIES

(a) Within fifteen (15) days after the effective date of a resolution adopted pursuant to Section 61.0508 of this Code, the City Clerk of City shall notify all affected utility companies and all affected persons of the provisions of the resolution. The City Clerk specifically shall notify the affected persons that, if they desire to continue to receive electric, communication, community antenna television or similar or associated service, they shall provide, at their own expense, all necessary facility changes on their premises so as to receive underground service from the lines

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relocated underground of the supplying utility company subject to applicable rules, regulations, and tariffs of the respective utility company on file with the Commission and to all other applicable requirements of State laws and City ordinances.

(b) Within fifteen (15) days of adoption by the Council of the resolution fixing the time within which conversions on private property and pole removal must be accomplished, the City Clerk shall further notify all affected utilities and affected persons that the work required to change the facilities on the premises so as to receive electric, communication, or community antenna television or similar or associated service provided or to be provided by the Utility Company shall be accomplished on or before the applicable date set forth in the resolution. This notice shall also state the date all poles and related overhead structures are to be removed from within the District.

(c) Notices given under this section may be given either by personal service or by mail and in accordance with the provisions of Section 61.0507 of this Code.

(d) Within fifteen (15) days of adoption of the resolution fixing the conversion and pole removal times of the District, the City Manager shall cause copies of the notice, printed on a card not less than eight (8) inches by ten (10) inches in size and headed "Notice of

Pole Removal" in letters of not less than one (1) inch in height, to be posted conspicuously on every pole to be removed within the District.

SEC. 61.0514 AUTHORITY TO DISCONTINUE OVERHEAD SERVICE

(a) In the event the owner or owners of real property within a District do not comply with the provisions of Section 61.0513 of this Code within the time provided for in the resolution enacted pursuant to Section 61.0508 of this Code, the respective utility companies concerned shall advise the City Manager in writing of the location of such property and thereupon the City Manager shall cause to be posted on such property a written notice on the property being served.

(b) The notice required by Section 61.0514(a) shall include the statement that thirty (30) days after posting of the notice all utility companies are authorized to discontinue electric, communication, community antenna television or similar or associated service from poles, overhead wires and associated overhead structures.

(c) Thirty (30) days after such posting, all utility companies are hereby authorized to discontinue electric, communication, community antenna television or similar or associated service from poles, overhead wires, and associated overhead structures.

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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By DW Detisch
Donald W. Detisch, Deputy

DWD:K
5-12-72

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JUN 13 1972

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

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1972 MAY 24 AM 10:16

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lloyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By *Judith A. Hillen*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 30 1972

JUN 13 1972

and on _____, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By *Judith A. Hillen*, Deputy.

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Office of the City Clerk, San Diego, California MAY 1 1978

Ordinance Number 10853 Adopted JUN 13 1972

ATTORNEY (S)

CITY OF SAN DIEGO
*202 "C" Street
Community Concourse
San Diego, California 92101

RECEIVED
CITY CLERK'S OFFICE

1972 JUN 27 PM 12:37

SAN DIEGO, CALIF SU

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

UNDERGROUND UTILITIES PROCEEDING
ORDINANCE

ORDINANCE NO. 10853
(NEW SERIES)

RESOLUTION AMENDING CHAPTER 11, ARTICLE 11, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE, AMENDING SECTIONS 11.0600, 11.0601 AND 11.0602, RELATING TO THE SAN DIEGO UNDERGROUND UTILITIES PROCEEDING ORDINANCE.

ENACTED BY THE COUNCIL OF THE CITY OF SAN DIEGO, AT A PUBLIC HEARING HELD AT THE CITY CLERK'S OFFICE, 202 "C" STREET, COMMUNITY CONCOURSE, SAN DIEGO, CALIFORNIA, ON JUNE 22, 1972.

THE CITY CLERK SHALL MAIL TO EACH PERSON AND EACH UTILITY COMPANY OF THE TIME OF THE HEARING AT LEAST FIFTEEN (15) DAYS BEFORE THE DATE THEREOF, BY REGISTERED MAIL, FIRST CLASS, WITH POSTAGE GUARANTEED, TO AN OVERSEAS ADDRESS, IN DISTRICT OR COUNTY OF SAN DIEGO, EACH TO THE OCCUPANT OF REAL PROPERTY IN THE DISTRICT OR PROPOSED DISTRICT, OR TO THE ADDRESS LISTED FOR SUCH OWNER OF THE REAL PROPERTY, AND TO THE ADDRESS LISTED FOR SUCH OWNER OF THE REAL PROPERTY, AND TO THE ADDRESS LISTED FOR SUCH OWNER OF THE REAL PROPERTY, AND TO THE ADDRESS LISTED FOR SUCH OWNER OF THE REAL PROPERTY, AND TO THE ADDRESS LISTED FOR SUCH OWNER OF THE REAL PROPERTY.

THE CITY CLERK SHALL CAUSE THE PUBLICATION, DURING A PUBLIC HEARING HELD AS FORTH IN SECTION 61.0600 OF THE SAN DIEGO MUNICIPAL CODE, TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AS SET FORTH IN SECTION 6000 OF THE CALIFORNIA GOVERNMENT CODE. PUBLICATION OF THE RESOLUTION SHALL BE FOR ONE (1) WEEK, NOT LESS THAN FIVE (5) DAYS BEFORE THE DATE OF THE PUBLIC HEARING STATED IN THE RESOLUTION.

I, Patricia N. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

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to a true and correct copy of which this certificate is annexed was published in said newspaper on

June 22, 1972

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

June 22, 1972

Patricia N. Applestill
(Signature)

Ord 10853

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SEC. 61.0508. COUNCIL MAY DESIGNATE UNDERGROUND UTILITY DISTRICTS BY RESOLUTION

After the public hearing, the Council finds that the public health, safety or general welfare requires removal of poles, overhead wires and associated overhead structures and underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within a designated area, the Council shall, by resolution, declare the designated area an Underground Utility District and order removal and underground installation. Immediately following its adoption, the City Clerk shall cause a certified copy of the resolution to be recorded in the office of the County Recorder. The resolution shall include a description and map of the area comprising the District. It shall also provide that the Council shall, by subsequent resolution fix the time within which:

- (i) property in the District must be ready to receive underground service, and
- (ii) poles, overhead wires and associated overhead structures shall be removed.

A reasonable time shall be allowed for 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. 61.0511. NOTIFICATION OF AFFECTED PERSONS AND UTILITIES

(a) Within fifteen (15) days after the effective date of a resolution adopted pursuant to Section 61.0508 of this Code, the City Clerk of City shall notify all affected utility companies and all affected persons of the provisions of the resolution. The City Clerk specifically shall notify the affected persons that, if they desire to continue to receive electric, communication, community antenna television or similar or associated service, they shall provide, at their own expense, all necessary facilities changes on their premises so as to receive underground service from the lines relocated underground of the supplying utility company subject to applicable rules, regulations, and tariffs of the respective utility company or file with the Commission and to all other applicable requirements of State laws and City ordinances.

(b) Within fifteen (15) days of adoption by the Council of the resolution fixing the time within which conversions of private property and pole removal must be accomplished, the City Clerk shall further notify all affected utilities and affected persons that the work required to change the facilities on the premises so as to receive electric, communication, or community antenna television or similar or associated service provided or to be provided by the utility company shall be accomplished on or before the applicable date set forth in the resolution. This notice shall also state the date all poles and related overhead structures are to be removed from within the District.

(c) Notices given under this section may be given either by personal service or by mail and in accordance with the provisions of Section 61.0507 of this Code.

(d) Within fifteen (15) days of adoption of the resolution fixing the conversion and pole removal dates of the District, the City Manager shall cause copies of the notice, printed on a card not less than eight (8) inches by ten (10) inches in size and headed "Notice of Pole Removal" in letters of not less than one (1) inch in height, to be posted conspicuously on every pole to be removed within the District.

SEC. 61.0514. AUTHORITY TO DISCONTINUE OVERHEAD SERVICE

(a) In the event the owner or owners of real property within a District do not comply with the provisions of Section 61.0513 of this Code within the time provided in the resolution enacted pursuant to Section 61.0508 of this Code, the respective utility companies concerned shall advise the City Manager in writing of the location of such property and thereupon the City Manager shall cause to be posted on such property a written notice on the property being served.

(b) The notice required by Section 61.0514(a) shall include the statement that thirty (30) days after posting of the notice all utility companies are authorized to discontinue electric, communication, community antenna television or similar or associated service from poles, overhead wires and associated overhead structures.

(c) Thirty (30) days after such posting, all utility companies are hereby authorized to discontinue electric, communication, community antenna television or similar or associated service from poles, overhead wires and associated overhead structures.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on May 30, 1972.
Passed and adopted by the Council of The City of San Diego on June 13, 1972.

AUTHENTICATED BY:
PETE WILSON
Mayor of The City of San Diego, California.
EDWARD NIELSEN
City Clerk of The City of San Diego, California.
By JUDITH A. DILLON,
Deputy.

(SEAL)
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