

(O-2000-23)

ORDINANCE NUMBER O- 18695 (NEW SERIES)

ADOPTED ON OCT 18 1999

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 6, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 61.0505, 61.0508, 61.0511, 61.0514 AND 61.0516 RELATING TO UNDERGROUND UTILITIES PROCEDURES.

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

Section 1. That Chapter 6, Article 1, Division 5, of the San Diego Municipal Code is hereby amended by amending Sections 61.0505, 61.0508, 61.0511, 61.0514 and 61.0516 to read as follows:

SECTION 61.0505 - Exceptions

Unless otherwise provided in the resolution creating the District, this division and any resolution adopted pursuant thereto shall not apply to the following types of facilities:

- (a) Poles, and associated overhead structures, used exclusively for street lighting or signalization.
- (b) Overhead wires (exclusive of supporting structures) 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.
- (c) 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.

(d) Electric transmission lines of 60,000 volts phase-to-phase and above, except when transmission lines are within a 12 kv conversion district.

(e) Radio antennae, associated equipment and supporting structures for such antennae, used by a Utility Company for furnishing communication services.

(f) Pad mounted transformers, junction boxes, and service terminals on pedestals aboveground used to distribute electrical, communication and community antenna television or similar or associated service, in the underground systems.

(g) Temporary poles, overhead wires and associated overhead structures located on private property, used solely during the course of construction on that private property.

(h) Overhead wires to provide temporary or emergency service installed subject to the provisions of Section 61.0510 of this Code.

(i) New or existing pole-to-anchor guy wires within the District necessary to support overhead facilities outside the boundary of the District or poles within the District which have been specifically excepted in the resolution creating the District.

(j) Poles, supports, wires and associated overhead structures used exclusively for supplying power to electrically driven mass transit vehicles.

SECTION 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 resolution shall include a description and map of the area comprising the District. It shall also provide that the City Manager shall subsequently 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.

SECTION 61.0511 - Notification of Affected Persons and Utilities

(a) Within fifteen (15) calendar days after the effective date of a resolution adopted pursuant to Section 61.0508 of this Code, the City Manager shall notify all affected utility companies and all affected persons of the provisions of the resolution. The City Manager 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 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) calendar days of City Manager fixing the time within which conversions on private property and pole removal must be accomplished, the City Manager 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 by the City Manager. 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) calendar days of City Manager 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.

SECTION 61.0514 - Authority to Discontinue Overhead Service

(a) In the event the owners of real property within a District do not comply with the provisions of Section 61.0513 of this Code within the time established by

the City Manager 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) calendar 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) calendar 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.

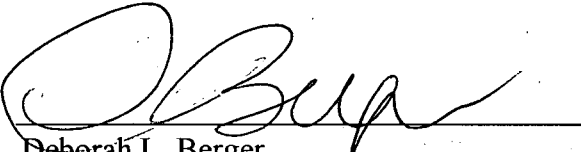
SECTION 61.0516 - Extension of Time

In the event that any act required by this division 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.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Deborah L. Berger
Deputy City Attorney

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Or.Dept:Eng&CP
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OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: ~~REDLINED~~

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- (e) Radio antennae, associated equipment and supporting structures for such antennae, used by a Utility Company for furnishing communication services.
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**SECTION 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 resolution shall include a description and map of the area comprising the District. It shall also provide that the ~~Council~~ ~~City Manager~~ shall by ~~subsequently 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.~~

SECTION 61.0511 - Notification of Affected Persons and Utilities

(a) Within fifteen (15) ~~calendar~~ days after the effective date of a resolution adopted pursuant to Section 61.0508 of this Code, the City ~~Clerk of City Manager~~ shall notify all affected utility companies and all affected persons of the provisions of the resolution. The City ~~Clerk Manager~~ 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 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) ~~calendar~~ days of ~~adoption by the Council City Manager of the resolution~~ fixing the time within which conversions on private property and pole removal must be accomplished, the City ~~Clerk Manager~~ 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 by the City Manager~~. 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.

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SECTION 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~~ ~~established by the City Manager~~ ~~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) ~~calendar~~ 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) ~~calendar~~ 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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In the event that any act required by this ~~ordinance or by a resolution~~ adopted pursuant to ~~Section 61.0508 of this Code~~ ~~division~~ 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.

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