

ORDINANCE NUMBER O- 19318 (NEW SERIES)

ADOPTED ON SEP 20 2004

AN ORDINANCE AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 61.0505 RELATING TO EXCEPTIONS FROM THE UNDERGROUND UTILITIES PROCEDURAL ORDINANCE.

WHEREAS, Chapter 6, Article 1, Division 5, of the San Diego Municipal Code, titled Underground Utilities Procedural Ordinance, requires the removal of all poles, wires, and associated overhead structures in an Underground Utility District.

WHEREAS, the mandate of Chapter 6, Article 1, Division 5 is subject to ten (10) exceptions noted in section 61.0505; and

WHEREAS, subsection (j) currently excepts “[p]oles, supports, wires, and associated overhead structures used exclusively for supplying power to electrically driven mass transit vehicles”; and

WHEREAS, in order to enhance trolley operation and provide better and safer service for the public, the San Diego Trolley proposes to install fiber optic cables on the existing overhead structures (catenaries), which currently support the trolley power lines; and

WHEREAS, the fiber optic cables will carry data necessary for the operation of the San Diego Trolley; and

WHEREAS, the current language of the San Diego Municipal Code forbids such installation, because the fiber optic cables will not “supply power”; and

WHEREAS, it is now appropriate to amend section 61.0505 of the Municipal Code to allow the installation of the fiber optic cables necessary to operate the trolley; NOW, THEREFORE,

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 Section 61.0505, to read as follows:

**§61.0505 Exceptions**

(a) through (i) [No change in text.]

(j) Poles, supports, wires and associated overhead structures necessary for the operation of electrically driven mass transit systems.

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

  
David E. Miller  
Deputy City Attorney

DEM:nda  
08/23/04  
Or.Dept:Planning  
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