

ORDINANCE NUMBER O- 19562 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 17 2007

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 1,
DIVISION 5, BY AMENDING SECTION 61.0508; RELATING
TO UNDERGROUND UTILITY PROCEDURES.

WHEREAS, the City of San Diego has a compelling interest in maintaining the safety and aesthetic appearance of its streets and public rights of way, and in assuring that underground conversion work performed in public rights-of-way by utilities is performed in an orderly, coordinated, timely, and efficient manner; and,

WHEREAS, in furtherance of these objectives the City Council has adopted a San Diego Underground Utilities District Procedural Ordinance providing, among other things, for the creation of districts for the underground relocation of existing overhead utilities; and,

WHEREAS, the Council has considered the provisions of the existing Ordinance and has determined that the public interest requires certain amendments and additions to better attain the objectives intended by such districts, including but not limited to clarifying the intent of the ordinance with regarding to the specific placement of undergrounded facilities; 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 amended by amending Section 61.0508; to read as follows:

§ 61.0508 Council May Designate Underground Utility Districts by Resolution

- (a) 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

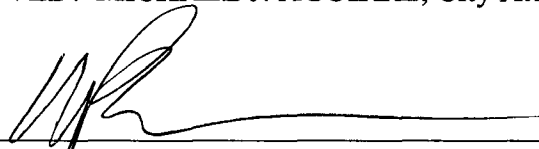
supplying electric, communication, community antenna television or similar or associated service within a designated area, the Council shall by resolution declare the designated area an Underground Utility District and order the removal and underground installation. Immediately following its adoption, 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.

- (b) A newly undergrounded route shall follow the existing aerial route to the greatest extent possible. Any variations from the existing aerial route, including the undergrounding of lines outside of the boundaries of an underground utility district, shall be the minimum variations necessary to make possible the removal of poles and overhead facilities, which removal is required for the public health, safety, and general welfare.
- (c) To facilitate the City Council's long term planning of Underground Utility Districts, each Utility Company within the City with Overhead Poles, Wires, and Associated Overhead Structures shall provide the City Manager with a complete list of the locations of all of its overhead facilities within the City. The list shall be updated annually not later than January 31 of each year, and shall be in a form prescribed by the City Manager. Any Utility Company failing to comply with Section 61.0508 shall be subject to a fine not to exceed \$1,000 per day for each day the annual updated list remains overdue.

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: MICHAEL J. AGUIRRE, City Attorney

By 
Michael P. Calabrese
Chief Deputy City Attorney

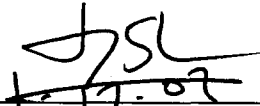
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Or.Dept:ESD
O-2007-50

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 09 2007

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1.17.07
(date)


1.17.07
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor