

**Chapter 19.79
UTILITY AND FACILITY SYSTEM
PLACEMENT REGULATIONS**

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19.79.010 Purpose.

The purpose of the utility and facility system placement regulations codified in this chapter is to promote the health, safety and general welfare of the citizens of the city and to preserve and protect existing aesthetics, property values, and quality of life within residential and other areas of the city. It is the intent of this chapter to require that utility and facility systems be placed underground when new systems are installed or existing transmission systems are upgrade.

19.79.020 Definitions.

As used in this chapter, the following definitions shall apply:

“Accessory equipment” means the portion of the system including equipment sites, transformers, switchgear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.

“Distribution system” means the portion of the system located between: (1) the service drop transformer and the distribution substation for electric service; (2) the service drop and the receive site (headend) for cable television; or (3) the service drop and the

transmission system for telephone service.

“Facility company” means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.

“Service drop” means the portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.

“System” means all poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.

“Transmission system” means the portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of 46 KV or more.

“Utility company” means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

19.79.030 Systems required to be underground.

Except as provided in section 19.79.040, the following systems shall be installed underground:

A. All new systems installed after the effective date of the ordinance codified in this chapter.

B. All upgraded transmission systems which would increase the height

of poles to more than 60 feet above existing grade.

19.79.040 Exemptions.

The following systems are exempt from the provisions of section 19.79.030 of this chapter:

A. Except as provided in section 19.79.030(B), this chapter does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.

B. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, ordinances, and regulations:

1. New service drops and/or distribution lines where service is available from existing aboveground systems;

2. Temporary systems required for construction projects not to exceed a period of 12 months;

3. Street light poles, light rail overhead catenary, wireless telecommunications towers, and accessory equipment;

C. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this chapter may be approved by the city council or its designee, provided, that the variations and exceptions are consistent with the purposes of this chapter.

19.79.050 Notification of affected property owners.

A. Prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility

company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the director.

B. The purpose of such notification is to allow potentially affected property owners an opportunity to discuss with the company possible methods of providing and paying for undergrounding of proposed systems and provide the city the opportunity to meet with the company to discuss the project.

C. Such notification shall be sent during the company's planning process to allow reasonable and sufficient time for such discussion to occur, but in no event less than 60 days prior to the scheduled installation.

D. Such notification shall include a full description of the project including, but not limited to:

1. The need for the project;
2. Location of the project;
3. Height, width, type and general location of poles, and
4. Amount of voltage.

E. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken.

F. Failure to reach an agreement within the 60 day period shall not be grounds for the delay of the project.

G. Notification is not required for emergency projects.

19.79.060 Excavation permit required.

All underground systems to be installed in the city's right-of-way shall be made in accordance with the provisions of chapter 14.16, "Excavations."