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## PART NINE — STREETS, UTILITIES AND PUBLIC SERVICES CODE

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### ARTICLE 911

#### Electrical and Communications Utilities, Underground Regulations

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#### CROSS REFERENCES

#### 911.01 Purpose.

The Council believes it to be desirable and in the public interest to assure orderly municipal development and to provide for the safety and convenience of its inhabitants. To this end, all underground utilities as hereinafter defined shall be placed, constructed and installed underground. The ultimate goal of the Town is to place all utilities underground. (Ord. 98-02. Passed 6-8-1998.)

#### 911.02 Underground utilities system defined.

Underground utilities system shall include, but not limited to, electric, communications, street lighting and cable television lines. The appurtenances and associated equipment of said system such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system shall not be included in such definition and may be properly placed upon or above the ground when approved by the City Council or an individual or Board designated by said Council. High voltage transmission lines of fifteen thousand (15,000) volts or more shall not be included in this definition and when properly approved the Engineer may be placed above the ground. (Ord. 98-02. Passed 6-8-1998.)

#### 911.03 Underground electric wire installations.

In addition to any other requirement of this Code, the following shall be applicable to the installation of electric and communication distribution systems of all utilities, excluding high voltage circuits and transmission lines of fifteen thousand (15,000) volts or more. (Ord. 98-02. Passed 6-8-1998.)

- (a) Every permanent extension of any distribution lines, circuits, and systems and any service lateral providing permanent electric power service, communication service or other associated utility services shall be installed underground when for:
  - (1) Any new installation of buildings, signs, street lights or other structures where the service lateral is street fed;
  - (2) Any new subdivision or home;
  - (3) Any new development or industrial part containing new commercial or industrial buildings.

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- (b) Any permanent replacement, relocation or reconstruction of more than four hundred (400) yards of any distribution line, circuit or system of any such utility and any service lateral shall be installed underground when for or made in connection with street paving, street widening, public utility installation and other such projects. Such requirements may be waived by the City Council or on individual or Board designated by said Council, when it is not technically or economically feasible.
- (c) Whenever any part of portion of the distribution system of any such utilities in an area or district of this Municipality is now located underground, such part or portion shall remain underground and any replacement, relocation, reconstruction, repair and extension thereof shall be installed underground.
- (d) All high voltage circuits and transmissions lines of fifteen thousand (15,000) volts or more which are constructed within the corporate limits of this Municipality after obtaining approval of the City Council or individual or Board designated by said Council, if however, not feasibly to be placed underground, shall be placed whenever possible on two – legged or single-pole structures of metal or wood unless the Engineering staff of this Municipality approves structural techniques.

### **911.04 Exception, emergency or unusual circumstances.**

- (a) Notwithstanding the provisions of Section 911, the City Council or individual or Board designated by said Council may grant special permission on such terms as he may deem appropriate in case of emergency or other unusual circumstances, without discrimination as to any person or utility, to temporarily erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures for periods up to nine (9) months. Said permits may be renewed for additional six-month periods upon good cause shown.
- (b) Upon showing unusual circumstances of a permanent nature which cause extreme hardship, the Council may grant special permission to a person or utility to erect, construct, install maintain, use or operate poles, overhead wires and associated structures within the corporate limits of this Municipality. (Ord. 98.02. Passed 6-8-1998.)

### **911.05 Liability and claims.**

All persons and companies providing electrical distribution and communications service under Section 911 shall at all times save the City harmless from all damages arising from all accidents, injuries or any damage whatsoever that may be caused to any person or property due to installation or use of any underground wiring, conduit or cables installed pursuant to the terms of Section 911 and upon a ten (10) day notice from the City shall appear and defend all suits for damages against the City as a result of any such accident, injury or damage.

### **911.06 Application for underground space.**

Persons or companies making applications for spaces underground facilities shall present their application and location drawings to the City Council or individual or Board designated by said Council clearly indicating the type of underground system to be used, whether the system is to be a joint system to include electric supply and communication facilities, and specifying the proposed start and duration of the construction and the part of the street needed for construction. When such system, plans and specifications have been approved by the City Council or individual or Board designated by said Council, applicants who are unable to show financial responsibility to the satisfaction of the City Council or individual or Board designated by said Council may be required to deposit with the City a sufficient sum to defray

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the cost of repaving that portion of the street used by them in case such paving is required.

### **911.07 Issuance of permit.**

The City Council or individual or Board designated by said Council shall then issue a permit for such applicant granting the right to enter upon such streets as may be necessary, designating that portion that such applicant may be permitted to use and the location of their underground facilities. Any question arising regarding the amount of space to be allowed any applicant or the location of their underground facility shall be determined by the City Council or individual or Board designated by said Council, and where a disagreement arises with reference to the City Council's decision, the said decision may be appealed to the Council for final determination.

### **911.08 Installation of underground facilities.**

- (a) Underground facilities shall be located in the designated space as approved by the City Council or individual or Board designated by said Council. All excavations for the purposes of placing facilities underground shall be made in accordance with specifications as approved by the City Council or individual or Board designated by said Council. Periodic inspections of excavations and back-filling procedures will be conducted by representatives of the City Council or individual or Board designated by said Council to insure adherence and compliance to specifications.
- (b) The top of all duct and cable system structures shall be located at a sufficient depth, in accordance with the National Electric Safety Code, to protect the system from injury.
- (c) All utility companies shall keep current records and plats of all underground facilities they own and operate. Such plats shall be available to all other utility companies and this Municipality immediately up the request of the City Council or individual or Board designated by said Council.
- (d) In the repair, addition or change of any underground facilities, no person or company shall be permitted to interfere with the underground facilities of any other person or company except so far as shall be necessary to make such repairs, additions or changes. All such repairs, additions or changes shall be made in accordance with specifications as approved by the City Council or individual or Board designated by said Council and the City Council or individual or Board designated by said Council shall be notified before work thereon in commenced.
- (e) Conditions requiring emergency street opening and for repair may be handled at the discretion of the City Council or individual or Board designated by said Council.
- (f) All companies laying underground facilities under provisions of Section 911 shall begin such work at a time fixed by the City Council or individual or Board designated by said Council and shall proceed with the construction of the same following the time scheduling as ordered by the City Council or individual or Board designated by said Council. (Ord. 98.02. Passed 6-8-1998.)

### **911.09 Street lighting.**

- (a) Where a new development, whether residential, commercial, or industrial is established incorporating a street lighting system, that lighting system shall have underground wiring and the style approved by this Municipality.
- (b) The electrical service for the street lighting system shall be applied to the areas underground as authorized by the City Council or individual or Board designated by said Council. (Ord. 98-02. Passed 6-8-1998.)