

CITY OF SAN ANSELMO

ORDINANCE NO. 549

AN ORDINANCE ADDING CHAPTER 8 TO TITLE 7 OF THE SAN ANSELMO MUNICIPAL CODE ESTABLISHING REGULATIONS AND PROCEDURES FOR THE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES AND FOR THE UNDERGROUND INSTALLATION OF WIRES AND FACILITIES FOR SUPPLYING ELECTRIC, COMMUNICATION OR SIMILAR OR ASSOCIATED SERVICE IN DESIGNATED DISTRICTS.

The City Council of the City of San Anselmo do ordain as follows:

SECTION 1. There is added to the Municipal Code of the City of San Anselmo the following Chapter 8 to Title 7 as follows:

7-8.01 DEFINITIONS. Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

(a) "City" shall mean the City of San Anselmo, a municipal corporation of the State of California.

(b) "Commission" shall mean the Public Utilities Commission of the State of California.

(c) "Council" shall mean the City Council of City.

(d) "Person" shall include individuals, firms, corporations, partnerships, and their agents and employees.

(e) "Poles and overhead wires and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located above ground, upon, along, across, or over the public streets, alleys and ways of City, and used or useful in supplying electric, communication, or similar or associated service.

(f) "Utility" shall include all persons or entities

supplying electric, communication, or similar or associated service by means of electrical materials or devices.

7-8.02 PUBLIC HEARING BY COUNCIL. The Council may, from time to time, call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles and overhead wires and associated overhead structures from the public streets, alleys, or ways, within designated areas of City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk of City shall notify all affected property owners and utilities by mail of the time and place of such hearings at least thirty (30) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard.

7-8.03 ORDINANCE FOR REMOVAL OF OVERHEAD STRUCTURES AND UNDERGROUND INSTALLATION. If after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation, the Council shall by ordinance order such removal and underground installation. The ordinance shall designate the public streets, alleys, or ways, or portions thereof, from which such poles and overhead wires and associated overhead structures must be removed and such underground installation made, and shall fix the time within which such work must be done. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of necessary labor, materials and equipment for such removal and for the installation of such underground facilities as may be occasioned thereby.

7-8.04 UNLAWFUL ACTS Whenever the Council orders the removal of poles and overhead wires and associated overhead structures as provided in Section 7-8.03 hereof, it shall be unlawful for any person, or utility to erect, construct, place, keep, maintain, continue, employ or operate any pole, overhead wire or associated overhead structure in any public street, alley, or way in the designated area after the date when said overhead facilities are required to be removed, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 7-8.09 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this ordinance.

7-8.05 EXCEPTION, EMERGENCY OR UNUSUAL CIRCUMSTANCES. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of emergency or unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate, poles and overhead wires and associated overhead structures, notwithstanding any other provisions of this ordinance.

7-8.06 OTHER EXCEPTIONS. This ordinance shall not apply to the following types of facilities:

(a) Poles used exclusively for police and fire alarm boxes or any similar municipal equipment installed under the supervision and to the satisfaction of the City Engineer;

(b) Poles and overhead wires and associated overhead structures used exclusively for street lighting;

(c) Overhead wires (exclusive of supporting structures) crossing any portion of an area from which overhead wires have been prohibited, or connecting to buildings on the perimeter of such portion, when such wires originate in an area from which poles and overhead wires and associated overhead structures are not prohibited;

(d) 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;

(e) Radio antennae, their associated equipment and supporting structures, used by a utility for furnishing communication services; or

(f) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

7-8.07 NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES. Within ten (10) days after passage of an ordinance pursuant to Section 7-8.03 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the area designated in said ordinance of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or other similar or associated service, they or such occupant shall provide all necessary facility

changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by said City Clerk shall be made by mailing a copy of said ordinance adopted pursuant to Section 7-8.03, together with a copy of this ordinance, to the affected utilities and to affected property owners as such are shown on that last equalized assessment roll of the County of Marin.

7-8.08 RESPONSIBILITY OF UTILITY COMPANIES. If underground construction is necessary to provide utility service within the area designated by any ordinance adopted pursuant to Section 7-8.03 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. Underground construction by the utility shall be accomplished in accordance with established construction standards and in accordance with the rules and regulations authorized by the Commission.

7-8.09 RESPONSIBILITY OF PROPERTY OWNERS.

(a) All underground construction and conduits, conductors and associated equipment necessary to receive utility service between the service facilities referred to in Section 7-8.08 and the service facilities in the building or structure being served shall be provided by the person owning, operating, leasing or renting said

property, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

(b) In the event the person owning, operating, leasing or renting said property does not comply with the provisions of subparagraph (a) of this Section 7-8.09, within the time provided for in the ordinance enacted pursuant to Section 7-8.03, the City Engineer of City shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

(c) Non-compliance by any person owning, operating, leasing or renting said property with the provisions of this Section 7-8.09 shall constitute a misdemeanor.

7-8.10 RESPONSIBILITY OF CITY. City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the ordinance enacted pursuant to Section 7-8.03 hereof.

7-8.11 EXTENSION OF TIME. In the event that any act required by this ordinance or by an ordinance adopted pursuant to Section 7-8.03 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, 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. PUBLICATION. This ordinance shall be published once in full, within fifteen (15) days of its final passage and adoption in the ^{REPORTER} ~~Independent Journal~~, a newspaper printed in the County of Marin and of general circulation in the City of San Anselmo.


SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its adoption.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo City Council held on April 25th, 1967, and was thereafter at a regular meeting of the City Council held on May 9, 1967, duly passed and adopted by the following vote:

AYES: Councilmen: Scott, Capurro, Ragan, Smith
NOES: Councilmen: None
ABSENT: Councilmen: Reichmuth

~~JOHN REICHMUTH~~, Mayor
ARTHUR W. SMITH,

ATTEST:


Anita Gannon, City Clerk