

ORDINANCE 529

CITY OF LACEY

AN ORDINANCE RELATING TO UNDERGROUND ELECTRICAL AND COMMUNICATION FACILITIES AND ADDING A NEW CHAPTER TO THE LACEY MUNICIPAL CODE

WHEREAS, it is expressly found and determined by the City of Lacey that the health, welfare and safety of the residents of the community and the traveling public require that new and replaced electrical and communication facilities within the city be installed underground and that existing overhead electrical and communication services be converted to underground whenever underground facilities are available; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. There is hereby added to the Lacey Municipal Code a new chapter, 12.22, to read as follows:

"12.22.010. Definitions. For purposes of this chapter, the term electrical or communication facilities shall mean facilities carrying any electrical energy, including but not limited to, electric power, telephone, telegraph and cable television; provided, however, that the terms shall not include the following facilities:

"A. Electric utility substations, surface mounted transformers and switching facilities.

"B. Electric transmission systems of a voltage of 55 kv or more and equivalent communication facilities.

"C. Street lighting standards.

"D. Telephone pedestals and other equivalent communication facilities.

"E. Police and fire sirens or any similar municipal equipment, including traffic control equipment.

"12.22.020. Underground installation required.

"A. Transmission Lines. All electrical and communication facilities other than electrical or communication services located on private property shall be installed underground by the utility owning said facility in the following cases:

"1. When it becomes necessary to remove existing overhead facilities for a distance of over 500 feet because of a roadway widening project or other similar reason.

"2. When existing overhead facilities for a distance of over 500 feet are to be replaced; provided, however, this provision shall not apply to replacements due solely to casualty damage nor to replacement of wire only.

"3. When any electrical or communication facilities are extended beyond those facilities existing on the effective date of this chapter; provided, however, that this subsection shall not apply to the extension by a cable television utility of facilities by the use of existing overhead poles of another utility.

"4. When another utility having facilities along the same street or easement places its facilities underground for a distance of over 500 feet.

All undergrounding of facilities initiated by a utility company must have approval of the city council or its representative prior to undertaking such project.

"B. Services. All electrical and communications services located on private property shall be installed underground by the owner of the property in the following cases:

"1. All new electrical and communication services from an overhead or underground facility to service connections of structures shall be installed underground.

"2. All rebuilt or relocated electrical or communication service lines from an overhead or underground facility to service connections of structures shall be installed underground unless such rebuilding or relocation involves a change in the overhead service line only without a change in the corresponding service entrance facilities.

"3. All existing electrical and communication services shall be converted to underground by the owner or owners of the property upon which said services are located within 90 days after notification by the city in accordance with RCW 35.96.050 that underground facilities are available.

"12.22.030. Variances. A variance from the underground installation requirements of this chapter may be granted by the Site Plan Review Committee upon application of the utility or

property owner concerned if it is demonstrated to the satisfaction of said committee that the variance is in the interest of the general health, welfare and safety of the residents of the community and the traveling public and one of the following conditions exist:

"A. It is technologically unsound to require undergrounding of a particular facility or in a particular location; or

"B. That the cost of underground installation when compared to overhead installation is disproportionate in comparison to the benefit to be gained by the property and/or the public and is disproportionately high when compared to other properties or locations; or

"C. Where the area in which undergrounding is required has not established a sufficient growth pattern to permit the determination of ultimate facility requirements or major transmission routes.

"When granting a variance, the Site Plan Review Committee may attach conditions to the granting of said variance including placing a time limit on the duration of such variance."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 10<sup>th</sup> day of April, 1979.

Attest:

CITY COUNCIL

Timothy McGuire  
City Clerk

By Karen R. Fraser  
Mayor

Approved as to Form:

Passed: April 10, 1979

[Signature]  
City Attorney

Published: April 18, 1979