

ORDINANCE 734

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 12.22 OF THE LACEY MUNICIPAL CODE RELATING TO THE REQUIRED UNDERGROUNDING OF COMMUNICATION FACILITIES WITHIN THE CITY AND PROVIDING A PROCEDURE FOR VARIANCES

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

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

Section 1. Chapter 12.22 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 12.22UNDERGROUND COMMUNICATION FACILITIESSections:

- 12.22.010 Definitions.
- 12.22.020 Underground installation required.
- 12.22.030 Variances.

12.22.010 Definitions. For purposes of this chapter, the term electrical or communication facilities means 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:

- (1) Electric utility substations, surface mounted transformers and switching facilities;
- (2) Electric transmission systems of a voltage of 55kv or more and equivalent communication facilities;
- (3) Street lighting standards;
- (4) Telephone pedestals and other equivalent communication facilities;
- (5) Police and fire sirens or any similar municipal equipment, including traffic control equipment. (Ord. 529 §1(part), 1979).

12.22.020 Underground installation required. 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 five hundred feet because of a roadway widening project or other similar reason;
- (2) When existing overhead facilities for a distance of over five hundred 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 five hundred 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.

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. (Ord. 529 §1(part), 1979).

12.22.030 Variances. (a) 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:

- (1) It is technologically unsound to require undergrounding of a particular facility or in a particular location; or
- (2) 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
- (3) Where the area in which undergrounding is required has not established a sufficient growth pattern to permit the determination of ultimate facility requirements to major transmission routes.

(b) 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. (Ord. 529 §1(part), 1979).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 12.22 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

CITY COUNCIL

By *M. B. Brown*
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Posted: March 29, 1985