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## Cathedral City Municipal Code

### Title 8 BUILDINGS AND CONSTRUCTION

#### Chapter 8.30 UNDERGROUND WIRES

##### 8.30.010 Declaration of cause.

The city council finds that the preservation and protection of the health, safety and general welfare of the residents of this city, and the public at large, require that poles, wires and associated structures, known as utility structures as defined herein, shall not be constructed, placed and installed above the surface of the ground wherever underground construction is feasible, for the following reasons:

(a) Utility poles, wires and associated structures could be a danger to fire suppression personnel and street maintenance personnel, who, by reason of their jobs and duties, may come in close proximity thereto, particularly when using ladders, booms, and cranes. The construction, placement and installation of such wires and associated structures underground will substantially reduce said hazards.

(b) The location of utility structures above the ground surface makes them susceptible to damage, destruction, and being rendered inoperable by weather or human causation. This may result in services provided thereby to be interrupted, the uninterrupted continuation of which is vitally needed for the protection of the public health, safety and general welfare, particularly life-saving institutions such as hospitals and fire and law enforcement communication facilities. The construction, placement and installation of said wires and associated structures underground reduces the chances of such interruption.

(c) The existence of utility structures above the ground is detrimental to the general welfare of the city by its blight on the natural beauty and aesthetic environment of the city, and the resulting interference with the restfulness, tranquility and pleasure of city residents in viewing the natural landscape of the city. The underground installation, placement and construction of wires and associated structures will enhance and preserve the natural beauty and landscape of the city by keeping from public view such functional but nonaesthetic facilities. (Ord. 286 § 3, 1990)

##### 8.30.020 Definitions.

(a) “Utility structure” means all poles, wires and associated structures that provide electric, telephone, communication, and cable television service to users, customers, and subscribers.

(b) “Service” means the electric current, tele- phone signals and cable television transmission that are generated, produced, carried, and provided by the utility companies for the use and benefit of their customers and subscribers.

(c) “Service lines” mean the utility conductors that extend from the local line to the building, structure, or improvement which consumes or uses the service.

(d) “Local line” means the utility system that supplies service to the service lines, and is located on public utility easements or on easements granted directly to the utility company upon privately-owned property which are adjacent to or coincident upon the rear or interior side

property lines. Local lines that carry electric service are normally energized at less than thirty-five thousand volts.

(e) “Community line” means the utility system that supplies service to the local lines or in some instances to the service lines. Community lines are within public rights-of-way or in easements adjacent to or within the public rights-of-way. In some instances they are affixed to regional transmission

line structures. Community lines that provide electric service are energized at less than 35,000 volts.

(f) “Regional Transmission Line” means the utility systems that supply electric service to community lines and local lines and are energized at 35,000 volts or greater. The structures supporting regional transmission lines may in some instances carry local and community lines as well. (Ord. 286 § 3, 1990)

#### **8.30.030 Obligation.**

The owner or developer proposing a construction project has the obligation to comply with all the requirements of this chapter, and in performance of said obligation shall make the necessary arrangements with the appropriate utilities for the installation and construction of utility facilities so that they will be in compliance with the provisions of this chapter. This shall be accomplished prior to issuance of building permits of the construction project. (Ord. 286 § 3, 1990)

#### **8.30.040 Undergrounding of new facilities.**

Except as otherwise provided in this chapter, all new service wires, local lines and community lines shall be constructed underground. (Ord. 286 § 3, 1990)

#### **8.30.050 Undergrounding of existing facilities.**

Except as otherwise provided in this chapter, the following existing utility structures shall be undergrounded at time of property development.

- (a) Service lines.
- (b) Local lines, where a length of two hundred feet or more of the facility is located totally within the boundary of the development project.
- (c) Community lines, where a length of six hundred feet or more of the facility is located along the same side of the street of the development project.

Note: For the purpose of this Section, development shall mean the construction of any new main building or the reconstruction of or additions to existing buildings where the valuation of the new construction is greater than 50% of the replacement value of the existing structure. Further, all phase development that occurred within the previous 5 years shall be counted in the valuation of the reconstruction or additions. (Ord. 286 § 3, 1990)

#### **8.30.060 Underground fees.**

The city shall prepare and amend, from time to time, a Master Undergrounding Plan (M.U.P.) which shall show all community lines and Regional Transmission Lines which require undergrounding. The M.U.P. shall designate logical underground construction increments or phases, which shall be prioritized by location and importance. The M.U.P. shall be reviewed and approved annually by the City Council. For the purpose of defraying the cost of undergrounding

the lines designated in the M.U.P., a fee shall be imposed upon all permits for new construction and development. This fee shall be adopted by City Council Resolution and shall meet the following:

(a) The fee amount shall approximate the cost of undergrounding all lines designated in the M.U.P. within the city within a reasonable period of time, in proportion to the individual project's impact and the relative number of projects which may reasonably be expected to contribute to such total cost.

(b) Where the development project is required to underground existing community or regional transmission lines as a condition of development approval, credit shall be given to the developer for actual costs incurred in undergrounding such regional or community transmission lines as a deduction from the underground fee otherwise due. If the undergrounding costs equal or exceed the fee, no fee shall be required. However, a reimbursement contract shall be executed between the city and the developer for any additional cost for off-site undergrounding of existing lines contained in the M.U.P. if such undergrounding is a condition of approval. The funds for reimbursement shall be taken only from the Master Undergrounding Trust Fund established herein. The reimbursement shall be made within five years of occupancy of the site. If the reimbursement is not completed within five years due to insufficient funds within the Trust Fund, the reimbursement obligation shall be null and void.

(c) The fee shall not be waived for projects that are required to underground new utility structures.

(d) Money collected through these fees shall be held in a designated master undergrounding trust fund and shall be spent only on community or regional transmission lines undergrounding projects within the city, but may be spent anywhere within the city regardless of where in the city they are collected.

(e) Prior to the time of budget adoption, the City Council shall review the fee amount to determine if the anticipated revenue therefrom is deemed sufficient to accomplish the undergrounding projects as designated in the M.U.P., and approved by the City Council, within a reasonable period.

(f) By adoption of an amending Resolution, the City Council may adjust the fee accordingly to assure full undergrounding of the projects as designated in the M.U.P. in a reasonable period of time.

(g) The fee shall be collected prior to the issuance of building permits, and shall be placed into a fund for the purposes specified herein. (Ord. 306 § 2, 1990; Ord. 286 § 3, 1990)

#### **8.30.070 Underground projects.**

The City Council shall consider the inclusion of an underground project(s) in the annual capital improvement budget. The annual budget may omit underground projects provided that a finding is made that insufficient funds exist to fund a project of reasonable magnitude and size, or that a desired underground project requires more funds than can be accumulated in the budget year. However, in no case shall the city not approve an underground project, as designated in the M.U.P., within any 5-year period. In addition to the fee specified herein, funding for underground projects may be obtained from funds distributed to the city per Rule 20A (Allocation for Underground Conversion Funds), the State of California, or other funds or sources the City Council or Redevelopment Agency may designate. (Ord. 286 § 3, 1990)

#### **8.30.080 Underground districts.**

At the time of formation of an underground project, the City Council may also consider the creation of an Underground Utility District, as provided in Chapter 14.28 of this code, that would logically be an extension of the underground project. The Underground Utility District would be formed for the primary purpose of undergrounding service wires and local lines. However, it could encompass all utility structures, including regional transmission lines. If the city determines that a logical Utility Underground District could be created, the City Council shall direct the preparation of appropriate maps showing all lines that could logically be undergrounded as part of the underground project, and carry forth the proceedings and public hearing per Chapter 14.28. (Ord. 286 § 3, 1990)

#### **8.30.090 Exceptions.**

The provisions of this chapter shall not apply to the following utilities structures under the circumstances as hereinafter described:

- (a) Regional transmission lines upon specific exception by the City Council.
- (b) Utility structures proposed for the sole purpose of terminating overhead utility structures.
- (c) Surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, concealed ducts, and other appurtenances and associated equipment which are part of and necessary for the operation of underground service.
- (d) Utility service installed by a utility company for temporary purposes, including, but not limited to, servicing building construction projects. No “temporary” service shall be provided for more than 180 days for residential and 360 days for non-residential at any one project site without specific approval of the City Council.
- (e) Communication, radio or television antennae, transmitters, receivers, masts, dishes, or other facilities which by their nature must be located above ground, or which are regulated or controlled elsewhere in the Municipal Code. (Ord. 286 § 3, 1990)

#### **8.30.100 Appeals.**

If any person believes that the application of any provision of this chapter is impractical and will cause practical difficulties and unnecessary hardship to that person, or the public in general, due to undue costs, unusual topographical conditions, irregular street or lot configurations, design constraints of the project or utility structure, underground obstacles, or other natural conditions which would make the underground installation of utility facilities unreasonable or impractical, said person may apply in writing to the city council for a waiver of such provision of this article. Said application shall be filed with the city clerk, who shall schedule the matter for city council consideration no later than thirty days thereafter. The city council may grant a waiver from any or all provisions of this article after considering the application therefor and after making a finding that the application of the specific provision in question would be unreasonable, impractical and cause undue hardship to the applicant or the general public. If the city council does grant a waiver, it may impose reasonable conditions on said grant in the interests of protecting and preserving the public health, safety and general welfare, which may, but need not necessarily, include imposition or an “in lieu” fee to be deposited in the master undergrounding fund. The city council shall make its decision on the application no later than thirty days after it has concluded its consideration thereof. The decision of the city council shall be final. (Ord. 286 § 3, 1990)

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