

ORDINANCE NO. 3096

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHAPTER 15.32 OF THE CHULA VISTA MUNICIPAL CODE
TO REFLECT CHANGES TO PUBLIC UTILITIES
COMMISSION RULE 20A ON UTILITY UNDERGROUNDING

WHEREAS, on July 11, 2000, the City Council revised Policy No. 585-01, providing for the reimbursement of funds expended by property owners on the undergrounding of private laterals within utility undergrounding districts; and

WHEREAS, the Public Utility Commission (PUC) subsequently adopted Rule 20.A.3, effective July 25, 2002, which allows the utility, upon request by the governing body of a local agency, to pay for the installation of the private laterals from that agency's Rule 20A funds; and

WHEREAS, City staff believes that the new approach will reduce staff time in monitoring and reimbursing property owners and will enable undergrounding projects to commence with less delay.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

That the following sections of Chapter 15.32 of the Chula Vista Municipal Code are amended as follows:

15.32.150 Districts designated when – Resolution – Recording and contents required.

If, after the public hearing, the council finds that the public health, safety or general welfare requires removal of poles, overhead wires and associated overhead structures and underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within a designated area, the council shall, by resolution, declare the designated area an underground utility district and order the removal and underground installation. Immediately following its adoption, the city clerk shall cause a certified copy of the resolution to be recorded in the office of the county recorder. The resolution shall include a description and map of the area comprising the district. It shall also provide that the council shall by subsequent resolution fix the time within which:

A. Property in the district must be ready to receive underground service; and

B. It is estimated that poles, overhead wires and associated overhead structures shall be removed. A reasonable time shall be allowed for removal and underground installation and installation/ relocation of streetlights by the City, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

15.32.180 Notification of affected persons and utilities required when.

A. Within 15 days after the effective date of a resolution adopted pursuant to CVMC 15.32.150, all affected utility companies and all affected persons shall be notified by the City of the provisions of the resolution. If private utility laterals will not be constructed by the utility company, the affected persons shall be

notified by the City that, if they desire to continue to receive electric, communication, community antenna television or similar or associated service, they shall provide, at their own expense, all necessary facility changes on their premises so as to receive underground service from the lines relocated underground of the supplying utility company subject to applicable rules, regulations, and tariffs of the respective utility company on file with the commission and to all other applicable requirements of state laws and city ordinances.

B. If private utility laterals will not be constructed by the utility company, within 15 days of adoption by the council of the resolution fixing the time within which conversions on private property and pole removal must be accomplished, all affected utilities and affected persons will be notified by the City that the work required to change the facilities on the premises so as to receive electric, communication, or community antenna television or similar or associated service provided or to be provided by the utility company shall be accomplished on or before the applicable date set forth in the resolution. This notice shall also state the date all poles and related overhead structures are to be removed from within the district.

C. Notices given under this section may be given either by personal service or by mail and in accordance with the provisions of CVMC 15.32.140.

D. Within 15 days of adoption of the resolution fixing the conversion and pole removal times of the district, the director of public works shall cause copies of the notice, printed on a card not less than eight inches by 10 inches in size and headed "Notice of Pole Removal" in letters of not less than one inch in height, to be posted conspicuously on every pole to be removed within the district.

15.32.190 Utility company responsibilities.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to CVMC 15.32.150, any utility company engaging in such underground construction shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under the applicable orders, rules, regulations and tariffs on file with the Public Utilities Commission.

15.32.200 Property owner responsibilities.

A. If private utility laterals will not be constructed by the utility company, the owner or owners of real property within a district shall be obligated to and shall be responsible for the commencement and completion of work as may be necessary to provide for the continuance of electric, communication, community antenna television or similar or associated service to the premises between the facilities referred to in CVMC 15.32.190 and the termination of service connection facilities on or within the building or structure being serviced, all in

accordance with applicable orders, rules, regulations and tariffs of the respective utility companies on file with the commission as of the effective date of the resolution creating the district, and in accordance with the applicable requirements of state laws and city ordinances.

B. If private utility laterals will be constructed by the utility company, property owners shall be required to give the utility company written permission for the utility company to enter their property. Property owners shall be responsible for any relocation and/ or upgrade of electrical equipment, such as panels and meters.

15.32.210 Non-compliance by property owner.

A. In the event the owner or owners of real property within a district do not comply with the provisions of CVMC 15.32.200, the respective utility companies concerned shall advise the director of public works in writing of the location of such property, and thereupon the director of public works shall cause to be posted on such property a written notice on the property being served.

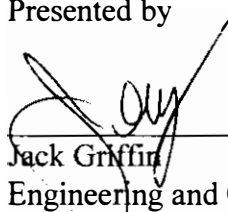
B. The notice required by subsection (A) of this section shall include the statement that 30 days after posting of the notice all utility companies are authorized to either serve the property through an individual pole erected on that property for above ground service or to discontinue electric, communication, community antenna television or similar or associated service from poles, overhead wires and associated overhead structures.

C. Thirty (30) days after such posting, all utility companies are hereby authorized to either erect an individual pole on that property to continue to provide above ground service or to discontinue electric, communication, community antenna television or similar or associated service from poles, overhead wires, and associated overhead structures.

Effective Date

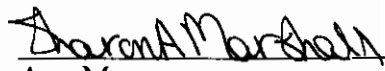
This ordinance shall become effective thirty days after final passage.

Presented by



Jack Griffin
Engineering and General Services Director

Approved as to form by




Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 11th day of December 2007, by the following vote:

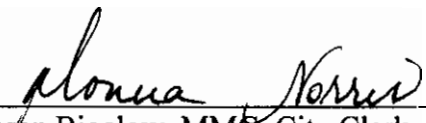
AYES: Councilmembers: Castaneda, McCann, Ramirez, Rindone, and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Cheryl Cox, Mayor

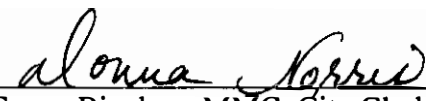
ATTEST:


for Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3096 had its first reading at a regular meeting held on the 4th day of December; 2007 and its second reading and adoption at a regular meeting of said City Council held on the 11th day of December 2007; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 11th day of December 2007.


for Susan Bigelow, MMC, City Clerk