ORDINANCE NO. 1387

AN ORDINANCE OF THE CITY OF EDMONDS DECLARING THE POLICY OF THE CITY WITH RESPECT TO THE UNDERGROUND INSTALLATION OF ELECTRIC AND COMMUNICATION FACILITIES WITHIN THE CITY OF EDMONDS, PROVIDING CERTAIN MINIMUM REQUIREMENTS AND PROCEDURES RELATING THERETO AND PROVIDING PENALTIES.

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 6.30.010. Policy. It shall be the policy of the City of Edmonds to require the underground installation of all new electrical and communication facilities for subdivisions, plats, commercial buildings, apartments, schools, motels and certain other buildings and structures with certain exceptions noted hereinafter.

Section 6.30.020. Purpose. The purpose of this ordinance is to establish interim minimum requirements and procedures for the underground installation of electric and communication facilities within the City of Edmonds until such time as it is feasible to underground existing facilities.

Section 6.30.030. Scope. Subject to the excepted facilities listed in Section 6.30.040 of this chapter, this ordinance shall apply to all electric facilities and to all communication facilities. The term "facilities" when used herein includes, but is not limited to, telephone, telegraph, electric power and cable television wires and/or cables.

Section 6.30.040. Excepted facilities from underground requirements.

(1) Electric utility substations, padmounted transformers

and switching facilities not located on the public right-of-way where site-screening is, or will be, provided hereinafter.

(2) Electric transmission systems of a voltage of 55 kv or more (including poles and wires) and communication facilities where such facilities are not located upon, along or over the publicly dedicated streets of the City of Edmonds, or within the right-of-way thereof.

(3) Ornamental 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.

(6) For temporary use only, extensions of existing aerial facilities or additions to existing aerial facilities. A permit for such extensions and additions must be obtained from the city engineer.

(7) Antennae for CATV, mobile telephone, radio relay, and microwave systems providing they meet FCC requirements, present and future, and subject to location approval by the city.

Section 6.30.050. Cost. The cost and expense of installing new facilities, underground, shall be borne by the serving utilities and/or the owners and developers of the real property served and/or persons applying for such underground service in accordance with the applicable filed tariffs, or the rules and regulations, or thepublished policies of the respective utilities furnishing such service, or as may be contractually agreed upon between the utility and such owner, applicant or the City of Edmonds.

In the absence of filed tariffs, rules or regulations, published policies, or contractual agreement, the cost and expense of installing new facilities, underground, may be financed by any method authorized by state law, including by local improvement district.

Section 6.30.060. Underground requirements.

A. Business

1. The following requirements apply to all areas which are zoned by the official zoning ordinance of the City of Edmonds as commercial or industrial, BN, BC, CW, CO and IP.

2. All extensions of overhead electric and communication facilities for any new buildings, structures and commercial developments shall be installed underground from and after the effective date of this ordinance.

B. Residential areas and public areas.

1. The following requirements apply to all areas zoned by the official zoning ordinance of the City of Edmonds as residential, RS, RD, RM, Hospital, Schools and Public Uses.

2. All extensions of existing overhead electric and communication facilities for subdivisions, plats and any buildings or structures, except single family and two family dwellings, shall be installed underground from and after the effective date of this ordinance, provided, single family and two family dwellings shall be so served with underground facilities if they are part of a plat or subdivision receiving planning commission approval subsequent to the effective date of this ordinance.

3. All new, rebuilt, or relocated electric or communi-

cation services from an underground facility to service connection of new structures and buildings shall be installed underground from and after the effective date of this ordinance.

C. The underground requirements respecting all electric or communication facilities of public facilities shall conform to the requirements of the immediately surrounding areas, as determined by their zoning classification, provided, that where the surrounding areas have varying requirements in accordance with the above provisions, the underground requirements shall be those applicable to the predominantly surrounding area.

Section 6.30.070. Design standards.

(1) All conductors, switches, transformers, and regulating devices shall be installed in accordance with the applicable national, state, and local safety standards. All structural devices shall be designed in accordance with the provisions of the latest edition of the Uniform Building Code.

(2) All vaults, handholes, ventilation gratings and access covers and conduit in public roadway shall be strong enough to withstand 10,000 pound wheel load.

(3) Any equipment excepted from these underground requirements or otherwise permitted to be installed above ground shall be:

(a) Placed within an enclosure or part of the building being served, or

(b) Suitably screened with masonry or other decorative panels and/or evergreen trees, shrubs, and landscaping planted in sufficient depth to form an effective and actual sign barrier within five years. Where shrubbery

is the primary screening element, minimum shrub height shall be seven feet (except for equipment not exceeding such height(for the bulk of the screen, with lower shrubs in foreground to eliminate any gaps in screening.

The utility shall be responsible for the installation, maintenance, repair, or replacement of the aforementioned screening materials when the real property on which the above ground facility is located is owned by the utility. When said above ground facility is located on non-utility owned real property, the owner shall bear the expense of installation, maintenance, repair, or replacement of the screening materials outlined above.

(4) Space frames and structural arrangements for holding equipment shall be designed to have an uncluttered and neat appearance.

(5) Where above grade pole line installations are permitted under the variance procedures outlined in the section on variance procedures, conductors shall be placed in vertical alighment.

(6) Plans for all above ground installations shall be submitted to the Planning Department for approval of site screening prior to the issuance of a permit by the building official.

Section 6.30.080. Variance procedure.

(1) All applications for variances from the foregoing underground requirements shall first be filed with the Board of Adjustment. The Board shall utilize existing rules and regulations governing application for, hearings pertaining to,

and the granting of variances in zoning matters and to procedure for granting variances. Underground requirements shall be waived subject to such conditions as the Board may impose by a variance only if the utility owner or user or any other affected party can demonstrate that it would work an undue hardship to place the facilities concerned underground. By undue hardship is meant a technological difficulty associated with the particular facility, or with the particular real property involved, or a cost of undergrounding such a facility which, in the Board's determination is deemed to outweigh the public health, safety and general welfare considerations implicit in underground installation.

(2) Any applicant or any party whose interest is affected by an application for a variance, or for a renewal, may appeal, by forwarding to the City Council a letter of appeal within thirty days from the date of the public hearing in which the Board's decision on a variance or renewal application is rendered.

Section 6.30.090. Where several utilities are planned or required in the same corridor, every effort shall be made by the utilities to use joint trenches for such facilities.

Section 6.40.100. Enforcement. A violation of the provisions of this ordinance, or any amendments thereto, by any entity or individual affected thereby is hereby made a misdemeanor, punishable by a fine of not more than $500.00, or by imprisonment for not more than ninety days, or by both fine and imprisonment. Each day of violation shall constitute a separate offense and may be punishable separately.

In addition, the city engineer, chief of police, fire chief or building official may issue stop orders on any work or construction being performed in violation of this ordinance.

APPROVED:

H. S. Harrison
MAYOR

ATTEST:

Irene Varney Doran
CITY CLERK

PASSED BY THE CITY COUNCIL: September 17, 1968
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