

ORDINANCE NO. 69-95

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE TOWN CODE CHAPTER 7, BUILDING AND BUILDING REGULATIONS BY ADDING A NEW ARTICLE 7-6, UNDERGROUND ELECTRIC, TELEPHONE, CABLE AND COMMUNICATION LINES CONSISTING OF FIVE SECTIONS CONTAINING DEFINITIONS; UNDERGROUND UTILITY LINES; EXEMPTIONS; TOWN PARTICIPATION AS DEVELOPER AND WAIVER OF UNDERGROUND INSTALLATION REQUIREMENTS.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AS FOLLOWS:

Section I. That the Town Code Chapter 7, Building and Building Regulations is hereby amended by adding a new Article 7-6 entitled Underground Electric, Telephone, Cable and Communication Lines to read as follows:

Article 7-6 UNDERGROUND ELECTRIC, TELEPHONE, CABLE AND COMMUNICATION LINES

- 7-6-1 Definitions
- 7-6-2 Underground Utility Lines
- 7-6-3 Exemptions
- 7-6-4 Town Participation as Developer
- 7-6-5 Waiver of Underground Installation Requirements

Section 7-6-1 Definitions

The following words and phrases, whenever used in this Article, shall have the following meanings unless, from the content, a different meaning is clearly intended:

- A. "Developer" shall mean the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity (other than the serving utility) that is responsible for the development of land thereby creating a demand for service or causes alteration of existing services.
- B. "Distribution feeder" shall mean that portion of the distribution system feeding from a distribution substation to a specific load area and having a capacity of over three KVA and less than 12.5 KVA.

- C. "Existing utility poles and wires" shall mean such poles and wires and other related facilities that are in place and in operation as of the effective date of this ordinance and including repairs, replacements, additions, enlargements, or betterments, changes, improvements hereinafter made to maintain or increase service capabilities of existing utility poles, wires, service drops and other facilities, but it does not include extensions made to existing distribution lines.
- D. "Transmission line" shall mean an electric line used for the bulk transmission of electricity between generating or receiving points and major substations or delivery points, having a rating greater than twelve thousand five hundred volts.
- E. "New utility poles and wires" shall mean poles and structures, wires, cables, transformers and other related facilities used in or as a part of the distribution or transmission of electricity or in the transmission of telephone, telegraph, radio or television communications that are not in place as of the effective date of this ordinance and constituting new extensions made from existing poles and wires.
- F. "Underground policy" shall mean the then current policy governing payment of the cost of undergrounding distribution feeders and service facilities as established by the serving utility.

Section 7-6-2 Underground Utility Lines

Except as exempted in Section 7-6-3, all existing and new utility and telephone lines, electric utility distribution feeders, cable television lines, and all other communication and utility lines adjacent to or within new residential, commercial, or industrial subdivisions or other areas to be developed within the Town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

Section 7-6-3 Exceptions

The following construction may occur without meeting the underground installation requirements:

- A. Transmission lines and betterment to existing utilities together with related switch yards, substations, and related equipment;
- B. Repair or improvement of existing utility poles and wires by the serving utility, provided that activity is not initiated on request of or by a developer;
- C. Installation of new utility poles and wires or relocation of existing utility poles and wires not initiated by a developer;
- D. Pad-mounted transformers or pull boxes, service terminals, pedestal type telephone terminals,

telephone splice closures or similar on-the-ground facilities attached to existing overhead facilities which are used for the purpose of connecting an underground system with the existing facilities.

- E. Temporary service facilities, such as facilities to furnish emergency service during an outage, facilities to provide service to construction sites, or other service of a limited duration, such as to a fair, carnival, outdoor exhibit or function where the facilities will be installed for a temporary period only.
- F. New service drops or improvement of existing service drops from existing overhead lines to single family residential customers, except when underground service is required by the Town of Queen Creek subdivision regulations.

Section 7-6-4 Town Participation as Developer

In the event of relocation, improvement, or repair of existing utility poles and wires or installation of new utility poles and wires by the serving utility, the Town may elect to act as a developer and participate in the cost of underground installation in accordance with the underground installation policy of the utility. Prior to commencing any relocation, improvement, or installation work within the Town, the serving utility shall notify the Town Engineer of the pending action. Within 30 days of receipt of notification, the Town will determine its intent to act as developer and notify the utility of the decision.

Section 7-6-5 Waiver of Underground Installation Requirements

The Town Council, upon petition by a developer, may waive or modify the requirements for underground installation of existing or new utility lines based on the findings that the strict enforcement of this Section would constitute an undue hardship on the developer and the minimal benefits would accrue to the Town. The Council's decision shall include but not be limited to review and analysis of the following factors:

- A. The extent of existing overhead lines and poles in the immediate area of the project.
- B. The location and heights of such poles and wires and their relation to present or future roads.
- C. The crossing of such lines over much traveled highways or streets.
- D. The proximity of such lines to schools, churches, commercial areas, or other places where people congregate.
- E. The aesthetic appearance of that portion of the Town should the lines be installed overhead instead of underground.
- F. The impact on future development expected in the area.

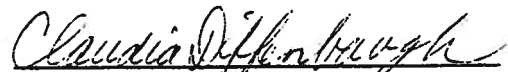
- G. The practicality and feasibility of underground installation with due regard for the comparative costs between underground overhead installations; however, a mere showing that an underground installation is more costly than overhead shall not be the sole criteria for granting a waiver.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona, this 6th day of September, 1995.

FOR THE TOWN OF QUEEN CREEK:


Mark Schnepf, Mayor

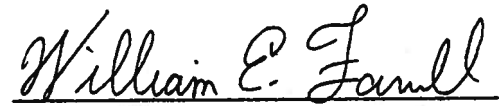
ATTESTED TO:


Claudia Diffenbaugh, Town Clerk

REVIEWED BY:


Cynthia Seelhammer, Town Manager

APPROVED AS TO FORM:


William E. Farrell, Town Attorney