

**ORDINANCE NO. 517
(AS AMENDED THROUGH 517.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
517 ESTABLISHING REGULATIONS AND PROCEDURES FOR THE REMOVAL OF
OVERHEAD UTILITY FACILITIES AND THE INSTALLATION OF UNDERGROUND
FACILITIES IN UNDERGROUND UTILITY DISTRICTS**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- a. **"Commission"** shall mean the Public Utilities Commission of the State of California.
- b. **"Underground Utility District" or "District"** shall mean that area in the County within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 3 of this ordinance.
- c. **"Person"** shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.
- d. **"Poles, overhead wires and associated structures"** shall mean poles, towers, supports, wires, conductors, guys stubs, plat-forms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a District and used or useful in supplying electric, communication or similar or associated services.
- e. **"Utility"** shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

Section 2. Public hearing by Board of Supervisors.

- a. The Board of Supervisors may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the County and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The County Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least fifteen (15) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Board of Supervisors shall be final and conclusive.
- b. Report by County Surveyor and Road Commissioner. Prior to holding such public hearing, the County Surveyor and Road Commissioner shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the County and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

Section 3. If, after any such public hearing the Board of Supervisors finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Board of Supervisors shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, 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.

Section 4. Whenever the Board of Supervisors creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 3 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 9 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this ordinance.

Section 5. Notwithstanding the provisions of this ordinance, overhead facilities may be installed and maintained for a period, not to exceed thirty (30) days, without authority of the County Surveyor and Road Commissioner in order to provide emergency service. The County Surveyor and Road Commissioner may grant special permission on such terms as the County Surveyor and Road Commissioner may deem appropriate in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

Section 6. This ordinance and any resolution adopted pursuant to Section 3 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities.

- a. Any County facilities or equipment installed under the supervision and to the satisfaction of the County Surveyor and Road Commissioner.
- b. Poles, or electroliers used exclusively for street lighting.
- c. Overhead wires (Exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
- d. Poles, overhead, wires and associated structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.
- e. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.
- f. Antennae associated equipment and supporting structures, used by a utility for furnishing communication services.
- g. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed

ducts.

- h.** Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Section 7. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 3 hereof, the County Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said County Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utilities at a new location, subject to the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission.

Notification by the County Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 3, together with a copy of this ordinance, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

Section 8. If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 3 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

Section 9 Responsibility of property owners.

- a.** Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 8 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 3 hereof, the County Surveyor and Road Commissioner shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.
- b.** The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the County Surveyor and Road Commissioner shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a

conspicuous place on said premises.

- c. The notice given by the County Surveyor and the Road Commissioner to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the County Surveyor and Road Commission will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.
- d. If upon the expiration of the thirty (30) day period. the said required underground facilities have not been provided, the County Surveyor and Road Commissioner shall forthwith proceed to do the work, provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the County Surveyor and Road Commissioner may in lieu of providing the required underground facilities, authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the County Surveyor and Road Commissioner, he shall file a written report with the Board of Supervisors setting forth the fact that required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Board of Supervisors shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.
- e. The County Surveyor and Road Commissioner shall forthwith, upon the time for hearing, such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Board of Supervisors will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.
- f. Upon the date and hour set for the hearing of protests, the Board of Supervisors shall hear and consider the report and all protest, if there be any, and then proceed to affirm, modify or reject the assessment.
- g. If any assessment is not paid within five (5) days after its confirmation by the Board of Supervisors, the amount of the assessment shall become a lien upon the property against which the assessment is made by the County Surveyor and Road Commissioner and the County Surveyor and Road Commissioner is directed to turn over the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable, and if not paid when due and payable, shall bear interest at the rate of six per cent (6) per annum.

Section 10. County shall remove at its own expense all County owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted

pursuant to Section 3 hereof.

Section 11. In the event that any act required by this ordinance or by a resolution adopted pursuant to Section 3 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

Section 12. It shall be unlawful for any person to violate any provision of this ordinance. Any person violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation.

Section 13. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted the ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, clauses or phrases be declared invalid.

Adopted: 517 10/07/1968 (Eff: 11/06/1968)

Amended: 517.1 Item 3.6b of 04/25/1989 (Eff: 05/25/1989)

(798) (Item 3.5 of 10/26/1999) (Eff: 11/25/1999 - Sec. 2a Amended)