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Chapter 040 Underground Utility Installations

- **Section 010 Definitions**

Whenever, in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

 - A. "Board" means the Glenn County board of supervisors;
 - B. "Clerk" means the clerk of the Glenn County board of supervisors;
 - C. "Commission" means the Public Utilities Commission of the state of California;
 - D. "County" means the county of Glenn;
 - E. "Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees;
 - F. "Poles, overhead wires and associated overhead structures" mean poles, towers, supports, wires, conductors, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service;
 - G. "Road commissioner" means the Glenn County road commissioner;
 - H. "Underground utility district" or "district" means that unincorporated 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 14.04.040;
 - I. "Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.
(Ord. 507 § 1, 1968.)

- **Section 020 Public Hearing by Board**

The board 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 unincorporated area of the county and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The 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 ten 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 shall be final and conclusive. (Ord. 507 § 2, 1968.)

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Section 030 Report by Road Commissioner

Prior to holding such public hearing, the 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. (Ord. 507 § 2-1, 1968.)

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Section 040 Underground Utility Districts--Designation

If, after any public hearing, the board finds that the public necessity, health, safety or welfare requires removal of overhead facilities and underground installation within a designated area, the board shall, by resolution, declare such designated area an underground utility district and order the removal and underground installation. The resolution shall include a description of the area comprising the district and shall fix the time within which the 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 the removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of the underground facilities as may be occasioned thereby. (Ord. 507 § 3, 1968.)

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Section 050 Unlawful Acts

Whenever the board creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 14.04.040, it is 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 the overhead facilities are required to be removed by such resolution, except as the 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 Sections 4.04.110 through 14.04.170, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 507 § 4, 1968.)

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Section 060 Exceptions--Emergency or Unusual Circumstances

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed thirty days, without authority of the board, in order to provide emergency service. The board may grant special permission on such terms as the board 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. (Ord. 507 § 5, 1968.)

- ## **Section 070 Exceptions--Other**

This chapter and any resolution adopted pursuant to Section 14.04.050 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- A. County facilities or equipment installed under the supervision and to the satisfaction of the 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 overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred 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.
- (Ord. 507 § 6, 1968.)

- ## **Section 080 Notice to Property Owners & Utility Companies**

Within ten days after the effective date of a resolution adopted pursuant to Section 14.04.040, the clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The 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 the occupant shall provide all necessary facility changes on their premises so as to receive service from the lines of the supplying utility or 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 clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 14.04.040, together with a copy of the ordinance codified in this chapter, to

affected property owners as shown on the last equalized assessment roll and to the affected utilities. (Ord. 507 § 7, 1968.)

- **Section 090 Responsibility of Utility Companies**

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 14.04.040, 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. (Ord. 507 § 8, 1968.)

- **Section 100 Responsibility of Property Owners**

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 14.04.090 and the termination facility on or within the building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 14.04.040, the 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 days after receipt of such notice. (Ord. 507 § 9, 1968.)

- **Section 110 Notice--Service**

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. 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 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the road commissioner shall, within forty-eight hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on the premises. (Ord. 507 § 9-1, 1968.)

- **Section 120 Notice--Contents**

The notice given by the road commissioner to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if the work is not completed within thirty days after receipt of such notice, the road commissioner 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. (Ord. 507 § 9-2, 1968.)

- **Section 130 Construction by County or Disconnection--Assessment**

If, upon expiration of the thirty-day period, the required underground facilities have not been provided, the 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 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 the property. Upon completion of the work by the road commissioner, he shall file a written report with the board setting forth the fact that the 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 shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises which time shall not be less than ten days thereafter. (Ord. 507 § 9-3, 1968.)

- **Section 140 Notice of Protest Hearing**

The 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 provided in Section 14.04.110 for the giving of the notice to provide the required underground facilities, of the time and place that the board will pass upon such report and will hear protests against such assessment. The notice shall also set forth the amount of the proposed assessment. (Ord. 507 § 9-4, 1968.)

- **Section 150 Protest Hearing**

Upon the date and hour set for the hearing of protests, the board shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment. (Ord. 507 § 9-5, 1968.)

- **Section 160 Assessment--Lien Upon Property**

If any assessment is not paid within five days after its confirmation by the board, the amount of the assessment is made by the road commissioner, and the road commissioner is directed to turn over to the assessor and tax collector a notice of lien on each of the properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for

taxes levied against the premises upon which the assessment was not paid. The assessment shall be due and payable at the same time as property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per year. (Ord. 507 § 9-6, 1968.)

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Section 170 Responsibility of County

The 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 14.04.040. (Ord. 507 § 10, 1968.)

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Section 180 Extension of Time

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 14.04.040 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 the act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 507 § 11, 1968.)

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