

EXHIBIT F

CHAPTER VI

ARTICLE 1

RESERVED

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~~Sec. A VI 1.1 In General~~

~~For purposes of this Chapter, the following words and phrases defined herein shall have the meaning respectively ascribed to them by this Section.~~

~~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 A VI 1.3 of this Ordinance.~~

~~C.—PERSON shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.~~

~~D.—POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES shall mean poles, towers, supports, wires conductors, guys, stubs, platforms, crossarms, 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.~~

~~E.—UTILITY shall include all persons or entities supplying electric, communication or similar or associated service means of electrical materials or devices.~~

~~Sec. A VI 1.2 Public Hearing By the Board of Supervisors~~

~~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 Clerk of the Board of Supervisors 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 (10) 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.~~

~~Sec. A VI 1.3 The Board of Supervisors May Designate Underground Utility Districts By Resolution~~

~~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.~~

~~Sec. A VI 1.4 Unlawful Acts~~

~~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 1.3 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 1.9 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this Article.~~

~~Sec. A VI 1.5 Exception, Emergency or Unusual Circumstances~~

~~Notwithstanding the provisions of this Article, overhead facilities may be installed and maintained for a period not to exceed ten (10) days, without authority of the Director of Public Works, in order to provide emergency service. The Director of Public Works may grant special permission, on such terms as the Board of Supervisors 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. 1796; Ord. 2237)~~

~~Sec. A VI 1.6 Other Exceptions~~

~~This Article and any Resolution adopted pursuant to Section 1.3 hereof shall, unless otherwise provided in such Resolution, not apply to the following types of facilities:~~

- ~~A.— Any municipal facilities or equipment installed under the supervision and to the satisfaction of the County Engineer.~~
- ~~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 voltage 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.~~

~~Sec. A VI 1.7 Notice to Property Owners and Utility Companies~~

~~Within ten (10) days after the effective date of a Resolution adopted pursuant to Section 1.3 hereof, the Clerk of the Board of Supervisors shall notify all affected utilities and all persons owning real property within the District created by said Resolution of the adoption thereof. Said 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 utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. Said notice shall also state that the District will conduct the work in the event the property owner refuses to comply and shall thereafter place a lien against said property pursuant to Section A VI 1.12. (Ord. 1801)~~

~~Sec. A VI 1.8 Responsibility of Utility Companies~~

~~If underground construction is necessary to provide utility service within a District created by Resolution adopted pursuant to Section 1.3 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.~~

~~Sec. A VI 1.9 Responsibility of Property Owners~~

~~A.—Every person owning, operating, leasing, occupying or renting a building or structure within a District shall perform construction and provide that portion of the service connection on his or her property between the facilities referred to in Section A VI 1.8 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.~~

~~B.—In the event any person owning, operating, leasing, occupying or renting such property does not comply with the provisions of subparagraph A of this Section within the time provided for in the Resolution enacted pursuant to Section A VI 1.3 hereof, the County Engineer shall post written notice on the property being served and thirty (30) days thereafter shall conduct the work and impose a lien pursuant to Section A VI 1.12 hereof. (Ord. 1796)~~

~~Sec. A VI 1.10 Responsibility of County~~

~~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 1.3 hereof.~~

~~Sec. A VI 1.11 Extension of Time~~

~~In the event that any act required by this Section or by a Resolution adopted pursuant to Section 1.2 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.~~

~~Sec. A VI 1.12 Failure by Property Owner to Comply~~

~~Pursuant to the authority vested by Government Code Section 26230, if any property owner who has received notice pursuant to Section A VI 1.7 hereof refuses to comply to effect the removal or preparation in accordance with the applicable rules of the utility involved, the County may cause the work to be done and assess the costs of the work against the property benefitted. Any such assessment of the costs of the work shall become a lien against the property and shall be collected at the same time and in the same manner as ordinary County ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes. All laws applicable to the levy, collection and enforcement of County ad valorem taxes shall be applicable to the assessment of the costs of the work.~~

~~In the event such special assessment is made, a Notice of Lien shall be recorded in the Office of the County Recorder. Such Notice shall identify the property owner or possessor, her or his last known address of record, the date upon which the work was done on the property, the amount of the lien and a description of the real property subject to the lien. Said lien may be released in the same manner as provided by law for release of a judgment lien on real property. (Ord. 1796)~~

~~Sec. A VI 1.13 Penalty~~

~~It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. Any person violating any provision of this Article or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1000) or by imprisonment, or both. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Article is~~

~~committed, continued or permitted by such person, and shall be punishable therefor as provided for in this Article. (Ord. 1796)~~

~~Sec. A-VI 1.14 Constitutionality~~

~~If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The Board of Supervisors hereby declares that it would have adopted the Article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 1796)~~