

ORDINANCE NO. 333

The Board of Supervisors of the County of Mariposa, State of California, does ordain as follows:

Section 1. Definitions

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 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 by means of electrical materials or devices.

Section 2. Public Hearing by 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 are

1 for supplying electric communication, or similar or associated
2 service. The County Clerk shall notify all affected property
3 owners as shown on the last equalized assessment roll and utilities
4 concerned by mail of the time and place of such hearings at least
5 ten (10) days prior to the date thereof. Each such hearing shall
6 be open to the public and may be continued from time to time. At
7 each such hearing all persons interested shall be given an oppor-
8 tunity to be heard. The decision of the Board of Supervisors
9 shall be final and conclusive.

10 Section 3. Board of Supervisors may designate Underground Utility
11 Districts by Resolution

12 If, after any such public hearing the Board of Supervisors
13 finds that the public necessity, health, safety or welfare requires
14 such removal and such underground installation within a designated
15 area, the Board of Supervisors shall, by resolution, declare such
16 designated area an Underground Utility District and order such
17 removal and underground installation. Such resolution shall in-
18 clude a description of the area comprising such district and shall
19 fix the time within which such removal and underground install-
20 ation shall be accomplished and within which affected property
21 owners must be ready to receive underground service. A reasonable
22 time shall be allowed for such removal and underground installation,
23 having due regard for the availability of labor, materials and
24 equipment necessary for such removal and for the installation of
25 such underground facilities as may be occasioned thereby.

26 Section 4. Unlawful Acts

27 Whenever the Board of Supervisors creates an Underground
28 Utility District and orders the removal of poles, overhead wires
29 and associated overhead structures therein as provided in Section 3
30 hereof, it shall be unlawful for any person or utility to erect,
31 construct, place, keep, maintain, continue, employ or operate poles,
32 overhead wires and associated overhead structures in the District

1 after the date when said overhead facilities are required to be
2 removed by such resolution, except as said overhead facilities may
3 be required to furnish service to an owner or occupant of property
4 prior to the performance by such owner or occupant of the under-
5 ground work necessary for such owner or occupant to continue to
6 receive utility service as provided in Section 9 hereof, and for
7 such reasonable time required to remove said facilities after said
8 work has been performed, and except as otherwise provided in this
9 ordinance.

10 Section 5. Exception, Emergency or Unusual Circumstances

11 Notwithstanding the provisions of this ordinance, overhead
12 facilities may be installed and maintained for a period, not to
13 exceed ten (10) days, without authority of the Board of Supervisors
14 in order to provide emergency service. The Board of Supervisors
15 may grant special permission, on such terms as the Board of Super-
16 visors may deem appropriate, in cases of unusual circumstances,
17 without discrimination as to any person or utility, to erect,
18 construct, install, maintain, use or operate poles, overhead wires
19 and associated overhead structures.

20 Section 6. Other Exceptions

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

24 (a) Any governmental facilities or equipment installed
25 under the supervision and to the satisfaction of the County En-
26 gineer.

27 (b) Poles or electroliers used exclusively for street
28 lighting.

29 (c) Overhead wires (exclusive of supporting structures)
30 crossing any portion of a District within which overhead wires
31 have been prohibited, or connecting to buildings on the perimeter
32 of a District, when such wires originate in an area from which

1 poles, overhead wires and associated overhead structures are not
2 prohibited.

3 (d) Poles, overhead wires and associated overhead struc-
4 tures used for the transmission of electric energy at nominal
5 voltages in excess of 34,500 volts.

6 (e) Overhead wires attached to the exterior surface of a
7 building by means of a bracket or other fixture and extending from
8 one location on the building to another location on the same build-
9 ing or to an adjacent building without crossing any public street.

10 (f) Antennae, associated equipment and supporting struct-
11 ures, used by a utility for furnishing communication services.

12 (g) Equipment appurtenant to underground facilities, such
13 as surface mounted transformers, pedestal mounted terminal boxes
14 and meter cabinets, and concealed ducts.

15 (h) Temporary poles, overhead wires and associated over-
16 head structures used or to be used in conjunction with construction
17 projects.

18 Section 7. Notice to Property Owners and Utility Companies

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

32 Notification by the County Clerk shall be made by mailing a

1 copy of the resolution adopted pursuant to Section 3, together with
2 a copy of this ordinance, to affected property owners as such are
3 shown on the last equalized assessment roll and to the affected
4 utilities.

5 Section 8 Responsibility of Utility Companies

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

12 Section 9 Responsibility of Property Owners

13 (a) Every person owning, operating, leasing, occupying or
14 renting a building or structure within a District shall perform
15 construction and provide that portion of the service connection
16 on his property between the facilities referred to in Section 8 and
17 the termination facility on or within said building or structure
18 being served, all in accordance with applicable rules, regulations
19 and tariffs of the respective utility or utilities on file with
20 the Commission.

21 (b) In the event any person, owning, operating, leasing,
22 occupying or renting said property does not comply with the provi-
23 sions of subparagraph (a) of the Section 9 within the time provided
24 for in the resolution enacted pursuant to Section 3 hereof, the
25 County Engineer shall post written notice on the property being
26 served and thirty (30) days thereafter shall have the authority to
27 order the disconnection and removal of any and all overhead service
28 wires and associated facilities supplying utility service to said
29 property.

30 Section 10 Responsibility of County

31 County shall remove at its own expense all County-owned
32 equipment from all poles required to be removed hereunder in ample

1 time to enable the owner or user of such poles to remove the same
2 within the time specified in the resolution enacted pursuant to
3 Section 3 hereof.

4 Section 11 Extension of Time

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

13 Section 12 Penalty

14 It shall be unlawful for any person to violate any pro-
15 vision or to fail to comply with any of the requirements of this
16 ordinance. Any person violating any provision of this ordinance
17 or failing to comply with any of its requirements shall be deemed
18 guilty of a misdemeanor and upon conviction thereof shall be pun-
19 ished by a fine not exceeding Five Hundred Dollars (\$500.00) or
20 by imprisonment not exceeding six (6) months, or by both such
21 fine and imprisonment. Each person shall be deemed guilty of a
22 separate offense for each day during any portion of which any
23 violation of any of the provisions of this ordinance is committed,
24 continued or permitted by such person, and shall be punishable
25 therefor as provided for in this ordinance.

26 Section 13 Constitutionality

27 If any section, sub-section, sentence, clause or phrase of
28 this ordinance is for any reason held to be invalid, such decision
29 shall not affect the validity of the remaining portions of this
30 ordinance. The Board of Supervisors hereby declares that it would
31 have adopted the ordinance and each section, sub-section, sentence,
32 clause or phrase thereof, irrespective of the fact that any one or

1 more sections, sub-sections, sentences, clauses or phrases be
2 declared invalid.

3 Section 14 Publication

4 The County Clerk is hereby directed to cause this ordinance
5 to be published by one insertion in the Mariposa Gazette, a news-
6 paper of general circulation printed, published and circulated
7 in the County and hereby designated for that purpose by the Board
8 of Supervisors.

9 Section 15 Effective Date

10 This ordinance shall take effect and be in force thirty (30)
11 days from and after its adoption.


12 The foregoing ordinance was passed this 8th day of De-
13 cember, 1970, by the following vote:

14 AYES: Davis, Hurlbert, Long, Moffitt, Richardson


15 NOES: None

16 ABSENT: None

17 NOT VOTING: None

18 
19 Frank L. Long, Jr., Chairman of
the Board of Supervisors

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21 ATTEST:

22 
23 Gabrielle Wilson, County Clerk
and ex-officio Clerk of the Board
24 of Supervisors

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