

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 86-39(s)

AN ORDINANCE WHICH AMENDS CHAPTER 22.10, SUBDIVISION IMPROVEMENTS, OF THE HOMER MUNICIPAL CODE, REQUIRING THE UNDERGROUND LOCATION OF UTILITIES; PROVIDING FOR AN EXCEPTION TO THE UNDERGROUNDING REQUIREMENT UPON COUNCIL FINDING IT UNREASONABLE OR IMPRACTICAL; APPEALS.

WHEREAS, the Underground Wiring Committee of the City of Homer has been meeting regularly to determine an appropriate method of regulating the installation of utilities within the City; and

WHEREAS, the Committee has attempted to balance various aspects of utility installations including aesthetics, safety and feasibility under certain conditions; and

WHEREAS, it is now desired to incorporate the considerations and finding of the Committee in ordinance form.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Chapter 22.10 of the Homer Municipal Code is amended by adding Section 22.10.055, Underground Utilities, to read as follows:

22.10.055 Underground Utilities.

a. All wire or cable facilities, including, but not limited to, electric power, telephone and CATV cables, providing permanent service in newly developed residential subdivisions shall be located underground throughout the subdivision at the expense of the subdivision developer. The subdivision developer is responsible for complying with the requirements of this section and shall make necessary arrangements, including financial arrangements, with the serving utility company or companies for the installation of such facilities. The subdivision developer shall provide appropriate easements or dedicated rights-of-way so as to provide access for all utilities and so as to cause minimum conflict between utilities. Developers of new commercial and industrial properties are encouraged to provide for the location of all utilities underground.

b. All existing overhead utility cable facilities, including, but not limited to, electric power, telephone, and CATV cables which shall after the effective date of this ordinance be relocated and/or which receive major modifications be placed underground unless the utility obtains an exception pursuant to the provisions of subparagraphs d. and e. of this section. Major modifications shall not include reconductoring, reinsulating or in kind replacement. The provisions of this subparagraph shall apply equally to the abandonment of pole lines except that if one utility abandons a pole line another existing utility which shares that pole line may buy the pole line and continue to use said pole line for the acquiring utility's cable facilities.

c. Appurtenances such as transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessary to underground utilities may be placed above ground.

d. Exceptions to the requirements of this ordinance that utility cable facilities be placed underground may be obtained for good cause shown including, but not limited to, the following:

1. Plats which receive preliminary approval prior to adoption of this ordinance;
2. Facilities which must cross abnormally wet, swampy areas;
3. Facilities which must cross areas that are subject to abnormal frost heaving;
4. Facilities which must be placed in areas subject to abnormal drainage;
5. Facilities which must be placed in areas where the utility is unable to obtain necessary rights-of-way;
6. Facilities providing temporary service not to exceed one year when frozen ground or other conditions make burial of such facilities an undue hardship on the utility;
7. Facilities which have to cross unplatted, or unrecorded, or undeveloped tracts of land;
8. Electric power lines having a line to line voltage greater than 35KV;
9. Electric power lines carrying more than 1000 KVA of electrical energy;
10. Future users of existing pole lines when the host utility is overhead, provided, however, the future user must agree to vacate the pole line when the host utility vacates the pole line.

e. Exceptions, other than those listed in subsection 22.10.055(d), to the requirements of this ordinance may be granted by the City Council, after review and recommendation by the Planning Commission, upon making a finding that conditions exist which make underground placement of utilities unreasonable or impractical.

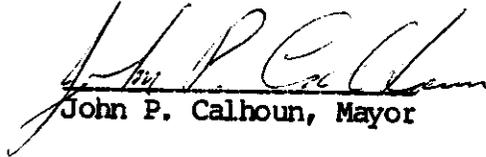
Section 2. Section 22.10.060, Appeals, of the Homer Municipal Code is amended by adding the following sentence:

Appeals from any action by the City Council granting or denying an exception under d. and e. of Section 22.10.055 shall be taken directly

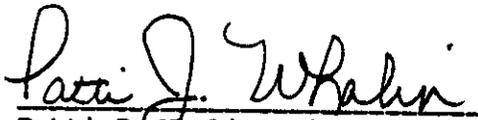
to the Superior Court for the State of Alaska, within thirty days from the date of such action.

DATED at Homer, Alaska, this 27th day of January, 1987.

CITY OF HOMER

  
John P. Calhoun, Mayor

ATTEST:

  
Patti J. Whalin, City Clerk

Reviewed and Approved as to form and content:

  
Phil C. Shealy, City Manager

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A. Robert Hahn, City Attorney

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

First Reading: December 8, 1986

Public Hearing: January 12, 1987

Second Reading: January 26, 1987

Date of Adoption: January 26, 1987

Effective Date: January 27, 1987