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ORDINANCE NO. 594

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON REPEALING THE REQUIREMENT TO UNDERGROUND OVERHEAD UTILITY FACILITIES BY MAY 21, 2011 AND TO UNDERGROUND ALL NEW FACILITIES AND EXTENSIONS, ADDITIONS, DUPLICATIONS, OR REBUILDS OF EXISTING OVERHEAD FACILITIES AND ADD A REQUIREMENT THAT CAPITAL PROJECTS PAY FOR THE COSTS OF UNDERGROUNDING SERVICE CONNECTIONS

WHEREAS, Ordinance No. 82, codified in Chapter 13.20 of the Shoreline Municipal Code, became effective on May 21, 1996; and

WHEREAS, SMC 13.20.050 and 13.20.060 require that all overhead utility facilities be placed underground fifteen years from the effective date of the passage of Ordinance No. 82, or May 21, 2011; and

WHEREAS, SMC 13.20.050 and 13.20.060 also require that all extensions, additions, duplications, or rebuilds of existing overhead utilities, and any new facilities, be placed underground even if wires in the same area are located aboveground; and

WHEREAS, these undergrounding mandates are not reasonable expectations to place on the utilities, the ratepayers and the City; and

WHEREAS, to be equitable, capital projects should pay for the undergrounding service connection costs caused by capital projects;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Amendment. SMC 13.20.010 is amended to read as follows:

SMC 13.20.010 Policy

It is the policy of the city to require compliance with the following orderly program pertaining to the relocation of all ~~existing~~ overhead wires including, but not limited to, telephone, telegraph ~~fiber optic~~, cable television, and electrical power, and to require the underground installation of all electrical and communication facilities when the city engages in a capital improvement or public works project which will facilitate undergrounding or an entity instigates a joint trenching program, or in areas where no overhead wires exist, with certain exceptions noted hereinafter. The health, safety, and general welfare of the residents of the community require that all ~~such existing~~ overhead facilities be relocated underground in such instances as soon as practicable in accordance with the requirements included in this chapter, and that all new facilities specified in this

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~~chapter be installed underground~~, in that among other things, the undergrounding removes potential hazards and blockages from the right-of-way, thus benefiting the safety and mobility of the motoring public, passengers and pedestrians and further promotes the general welfare in achieving a more aesthetically pleasing community, improving property values, and decreasing the vulnerability of service delivery due to the effects of natural disasters and storm events.

Section 2. Amendment. SMC 13.20.050 is amended to read as follows:

SMC 13.20.050 Undergrounding of existing facilities in ~~commercial and industrial~~ areas – When required.

~~The following requirements apply to all areas which are zoned in SMC Title 20 as MUZ (Mixed Use Zone), CB (Community Business), Neighborhood Business (NB), Office (O), Special Overlay (SO), North City Business District (NCBD) and I (Industrial):~~

~~Existing Overhead facilities, including utility poles, with the exceptions previously noted in SMC 13.20.040, existing on the effective date of the ordinance codified in this chapter, or for which a permit has been granted within 15 days of the effective date, will be allowed to remain aboveground until one of the following events:~~

- ~~1. A. The City Council designates for undergrounding city desires to engage in any a capital improvement or public works project, including sidewalk projects and roadway projects, which will disturb existing facilities or will facilitate the installation of a trench for underground facilities.~~
- ~~2. The passage of 15 years from the effective date of the ordinance codified in this chapter.~~
- ~~3. B. An entity instigates a joint trenching project, as defined in SMC 13.20.0120, that could reasonably serve to replace existing overhead facilities.~~
- ~~B. C. All extensions, additions, duplications, or rebuilds (excluding repair of casualty damage) of existing overhead facilities or any new facilities shall be installed underground in those areas where no overhead wires exist. from and after the effective date of the ordinance codified in this chapter.~~
- ~~C. All areas rezoned, after the effective date of the ordinance codified in this chapter, to zoning classifications substantially similar to those to which this section applies shall become subject to the provisions of this section upon the effective date of such rezoning.~~

Section 3. Repeal. SMC 13.20.060, *Undergrounding of existing facilities in residential areas – When required*, and SMC 13.20.070, *City projects – Pole removal required*, are hereby repealed.

Section 4. Amendment. SMC 13.20.140 is amended to read as follows:

13.20.140 Converting service connections.

~~A. The city council may designate For city capital projects that include conversion of aerial to underground facilities, which primarily provides a citywide benefit by improving the safety and aesthetics of the roadway for users of these streets. The project shall pay for the cost of underground~~

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~~connections that are located within 100' of the right-of-way owners of record of properties served by a converted telecommunication or electrical installation within these designated capital projects shall receive a credit established by the council against the cost of the service connection if the following conditions are met; provided, the owner shall execute an agreement to allow the connection to be permitted and performed by the city including temporary access to the owner's property in a form acceptable to the city. If the owner does not execute the agreement, the service connection shall be the responsibility of the owner.~~

~~4B. Additional connections located outside this 100' limit may be paid for at the Director's discretion. The owner shall execute an agreement to allow the connection to be permitted and performed by the city including temporary access to the owner's property in a form acceptable to the city; and~~

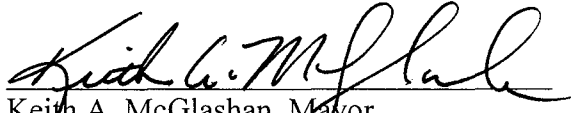
~~2. The owner shall pay the city's cost of the connection in excess of the city's credit as determined by the bid received from the city's contractor, or shall provide an executed contract from a licensed contractor to make the connection at the owner's cost to be reimbursed by the city up to the amount of the credit.~~

~~If the conditions for city contribution are not met the service connection shall be the responsibility of the owner as set forth in subsection A of this section.~~

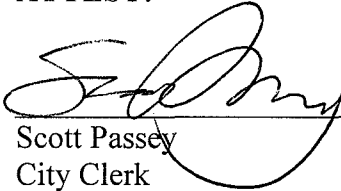
Section 5. Repeal. SMC 13.20.150 *Order to disconnect*, 13.20.160 *Objection to disconnection-Hearing*, and 13.20.170, *Implementation*, are hereby repealed.

Section 6. Publication, Effective Date. This ordinance shall go into effect five days after passage and publication of the title as a summary of this ordinance.

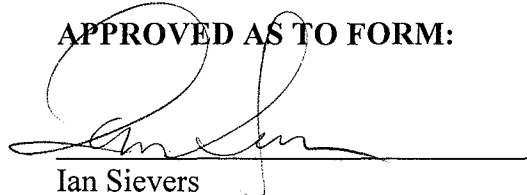
PASSED BY THE CITY COUNCIL ON JANUARY 10, 2011.


Keith A. McGlashan, Mayor

ATTEST:


Scott Passey
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Date of Publication: January 13, 2011

Effective Date: January 18, 2011