

ORDINANCE NO. 51-73

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN J V. Stone
ON THE 18th DAY OF June, 1973.

AN ORDINANCE REQUIRING UNDERGROUND INSTALLATION OF ALL UTILITIES
IN NEW RESIDENTIAL PLATS AND SUBDIVISIONS.

WHEREAS, it is desirable that the undergrounding of all
utilities be required in new residential plats and subdivisions of the City
of Centerville, Ohio.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS:

Section 1. For the purpose of this chapter, unless it is
plainly evident from the context that a different meaning is intended,
certain terms used herein are defined as follows:

- (a) Utility Company means any organization, person, firm, corporation or cooperative furnishing electric, communication, or television signal services to the City and its inhabitants.
- (b) Utility Distribution Facilities means all lines, equipment and appurtenances, above or below ground, in streets, alleys, utility easements, rights-of-way, and properties within the City, used in supplying electrical energy, communication or television signal services.
- (c) Utility Easements means those parcels, strips, areas or other portions of land available for installation, maintenance, repair or operation of Utility Distribution Facilities.
- (d) Extra Charge or Rate means charge for underground utilities greater than that now charged by the Utility Company for the installation of above ground utilities for similar service.

Section 2. Any other provision of the Codified Ordinances or the Uniform Building Code relating to subdivisions or construction to the contrary notwithstanding, within the area of any new residential plat and subdivision, all newly installed Utility Distribution Facilities, including but not limited to electric, telephone, communication, and community television (CATV), or similar associated facilities, shall be placed and maintained underground within Utility Easements or public ways. However, this ordinance shall not apply to the following situations:

- (a) Equipment appurtenant to Utility Distribution Facilities such as: surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, switching enclosures and substations.
- (b) Poles supporting only street lights and traffic signals, Police-Fire call boxes, and traffic signal cantilever poles.

- (c) Electrical or communication overhead lines temporarily connected due to an emergency, but not to exceed six (6) months' duration., except by permission of the City.
- (d) In cases where unusual topographical conditions such as soil, open ditches, rock formations, or other physical conditions which make underground installation of such Utility Distribution Facilities unreasonable, impracticable, or uneconomical.
- (e) Service to model homes or other buildings under construction, or other temporary structures, with less than 600 volts to ground service only, but not to exceed twelve (12) months' duration. Renewal for an additional six (6) months' period may be granted for a good cause.
- (f) Poles, above ground wires, and associated above ground structures used for the transmission of electrical energy at voltages of 22,000 volts or more.
- (g) Additions of, or extensions to, existing above ground Utility Distribution Facilities.

Section 3. The owner, subdivider or consumer shall furnish the necessary easements to accommodate all the utility installations required to be placed underground; shall also establish final grade before the Utility Company is required to install its facilities; and shall provide the trench and backfill the same for the service line extending from the Utility Distribution Facilities to the consumer's structure.

Section 4. No new residential plat or subdivision shall be approved unless such plat or subdivision complies with this Section; however, if above ground Utility Distribution Facilities have already been constructed as of the date of the adoption of the Section, based upon a previously approved preliminary plat, then the final plat shall be approved with an exception for such above ground Utility Distribution Facilities.

Section 5. No Utility Company may make or assess against an owner, subdivider or consumer an extra charge or rate for, or resulting from, the installation of the underground Utility Distribution Facilities required by this Section; except, in the years through 1974, an extra charge of a maximum of Seventy-Five Dollars (\$75.00) per lot may be made. If, as a result of a change of a Utility Company policy, a Utility Company grants to any owner, subdivider or consumer located within a seventy-five mile radius of the City a lesser charge or rate for, or resulting from, a specific type of installation of underground facilities required by this Section than the extra charge or rate authorized by this Section, the lesser rate for such specific type of installation shall then become the maximum rate chargeable hereunder through 1974. This limitation or prohibition shall not apply to any just and reasonable additional charge or rate approved by The Public Utilities Commission of Ohio under any applicable provisions of the Revised Code of Ohio.

Section 6. All Utility Distribution Facilities shall be installed and maintained in accordance with the provisions of the National Electrical Safety Code, the order or orders of The Public Utilities Commission of Ohio, the Industrial Commission of Ohio, and good utility practice. Additionally, the construction standards set forth below shall supplement or supersede the provisions set forth above, and shall be controlling in the event of a conflict therewith.

- (a) No blasting shall be permitted for trench excavation in the installation of underground Utility Distribution Facilities, except by permission of the City.
- (b) Wherever feasible underground electric lines, cable TV lines and telephone lines shall be located within the same trench.
- (c) Handholes or service boxes for street light services shall be located within the curb lawn between the street and property line or within easements and public ways.

Section 7. All Utility Distribution Facilities in new residential plats and subdivisions in the City from the effective date hereof shall be placed underground in accordance with the requirements and provisions of this ordinance.

Section 8. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED this 18th day of June, 1973.

John W. McIntire Jr.
Deputy Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn J. McLaughlin
Clerk of the Council of the City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 51-73, passed by the Council of the City of Centerville, Ohio, on the 18th day of June, 1973.

Marilyn J. McLaughlin
Clerk of the Council

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney