

# **TOWN OF CASTLE VALLEY ORDINANCE 92-1**

## **Electric Utility Installation Requirements**

An Ordinance regulating the installation of electrical utility service within the boundaries of the TOWN OF CASTLE VALLEY.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY:

### **1.0 PURPOSE AND SCOPE**

**1.1 PURPOSE:** This ordinance is intended to protect and enhance both the property values and the quality of life of the residents of the Town of Castle Valley, by requiring that new electrical utility service be installed underground. The visual environment of the Town of Castle Valley is a major component of both the property values and the quality of life of the residents. All other utilities, except electrical, are presently installed underground, and do not detract from the visual environment.

**1.2 SCOPE:** This ordinance is intended to regulate any new installation of electrical utility service, including both primary distribution branches and residential connections to the primary system, within the geographical boundaries of the Town of Castle Valley. This ordinance is not intended to regulate existing installations, except at the end of the service lives of these installations.

### **2.0 ELECTRIC UTILITY INSTALLATION REQUIREMENTS**

**2.1** All new electrical service connections shall be installed underground except as noted in section 3.1 and 3.2.

**2.2** All new extensions, re-routings, additions to, or major replacement of the primary distribution grid shall also be installed underground, except as noted in section 3.3

**2.3** No new electrical supply lines shall be strung across or in front of another property owner's lot, nor shall any new electric utility power poles be erected.

**2.4** Electrical service installations shall be made as if the Town of Castle Valley were converting to an underground electrical utility system in the future.

**2.5** Replacement of existing overhead power lines at the end of their service lives shall be performed as if these were new installations and shall be installed underground.

**2.6** Extensions of or additions to the primary electrical supply system shall be installed within the easements of the Town roads.

### **3.0 EXCEPTIONS**

**3.1** Where existing overhead service already exists on, or within the property lines of a lot on which electrical service is requested, and where either of the following two conditions exist, electrical service may be installed overhead.

a) The connection is to a temporary dwelling or structure which

will not be the connection point when the permanent dwelling is constructed.

b) The present underground installation would be incorrectly located if future underground primary service were to be installed in that portion of the Town of Castle Valley.

3.2 Above ground electrical service may be installed between buildings on a single lot, if such overhead installation does not require the erection a new power pole.

3.3 Electrical service may be installed above ground in specific situations upon recommendation by the Planning Commission and approval by the Town Council in the following circumstances:

- a) Major technical problems make underground installation unsafe.
- b) Underground installation would jeopardize the reliability of the overall electrical system.

#### 4.0 COSTS OF UNDERGROUND INSTALLATION

4.1 The cost of underground electrical connections shall be born by the individual property owner and is not intended to be born by the electrical utility company.

4.2 In the case of future realignment or replacement of the primary electrical supply system, the Town of Castle Valley and the electric utility company shall negotiate an equitable cost sharing basis if the Town of Castle Valley requires the primary power supply to be relocated underground.

4.3 The Town of Castle Valley may negotiate with the electrical utility company to have the branch primary lines installed underground.

4.4 Cost of underground installation shall not be considered a major reason for granting an exception to these requirements.

#### 5.0 NOTICE REQUIRED

5.1 The electric utility company will give the Town of Castle Valley immediate notice of any plans to make major modifications to the primary electrical supply system, such as increasing the system capacity, relocation of the primary lines, or additional demands on the system which could affect the reliability of the system.

5.2 Notification of such major modifications shall be given to the Town of Castle Valley at least six months before such work shall commence, unless such requirement of notice is waived by the Town Council.

#### 6.0 ENFORCEMENT

6.1 EFFECTIVE DATE: This ordinance shall become effective upon adoption by the Town Council and upon posting on the Town bulletin board at the entrance to the Town of Castle Valley. Notice of the adoption of an ordinance requiring the underground

installation of electric service shall be published in a local newspaper. The notice of adoption of this ordinance shall include instruction on how a resident may obtain a copy of this ordinance. Notice of adoption of this ordinance and a copy of this ordinance shall be conveyed to the office of the local electric utility company.

**6.2 SEVERABILITY:** This ordinance and the various parts, sections and clauses are declared to be severable. If any part, section, paragraph, sentence, clause or phrase is judged to be unconstitutional or invalid, it is hereby declared that the remainder of this ordinance shall not be affected thereby.

**6.3 EACH DAY A VIOLATION** of this ordinance is committed or permitted to continue shall constitute a separate offence and shall be punishable as such.

**6.4 VIOLATIONS OF THIS ORDINANCE** shall be prosecuted as a class B misdemeanor in a court of competent jurisdiction.

**6.6 RECOVERING COSTS:** At the direction of The Town Council an action may be brought in the name of the Town to enjoin a violation of this ordinance, to require compliance therewith and to recover all costs of such action including court costs and reasonable fees to reimburse the Town for the services of legal counsel and other necessary expenses.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY  
THIS OF 1 DAY OF JULY, 1992