

Title 12STREETS, SIDEWALKS AND PUBLIC PLACESChapters:12.04 Street and Sidewalk Obstructions12.08 Underground Utility DistrictsChapter 12.04STREET AND SIDEWALK OBSTRUCTIONSSections:12.04.010 License required--Conditions.12.04.020 Penalty for violation.12.04.030 Use of personal mobility devices.12.04.040 Definitions.12.04.050 Penalty for violations.

12.04.010 License required--Conditions. Every obstruction or encroachment on any part of any street, alley, sidewalk or gutter within the limits of the city is prohibited by the ordinance codified in this chapter, except, however, that the city council may, upon written application therefore, grant licenses for the excavation, construction, maintenance, use and operation of subsurface structures in and under streets, alleys and sidewalks for the construction, maintenance, use and operation of closures of entryways thereto, upon the following terms and conditions:

A. That the license for the excavation, construction, maintenance, use and operation of such subsurface structures and entryways thereto shall be granted only upon written application therefore by the owner or owners of the adjacent land, which application shall be signed by each and all the owners of such adjacent land;

B. That with such application the applicant or applicants shall file complete and detailed plans and specifications of the subsurface structure, the entryways thereto and areas of such street, alleys and sidewalks as are affected thereby, including a fair estimate of the length of time required for the construction of such structures and restoration of the streets, alleys and sidewalks to unencumbered surface use, as well as a description of the adjacent land owned by the applicant with such proof of ownership thereof and encumbrances thereon as the council may require;

C. That upon filing of such application and review thereof, the owner or owners of such adjacent lands shall furnish to and file with the city clerk a surety bond in such amount as shall be determined by the city council but not less, in any event, than one thousand dollars, conditioned to indemnify, save and hold harmless the city of and from all costs, expenses, charges and damages which may result by reason of the construction of such structures and the restoration of the surface of the streets, alleys and sidewalks to unobstructed use by the public within the time estimated as provided in subsection B of this section;

D. That the owner or owners of the land shall, prior to the issuance of the aforesaid license, deposit with the city clerk the sum of one hundred twenty dollars and shall thereafter each year, on or before the anniversary date of the license, if granted, pay to and deposit with the city the sum of one hundred twenty dollars so long as the license shall continue;

E. That prior to the commencement of any such excavation or construction the licensee shall make, execute, acknowledge and deliver to the city a duplicate of the license agreement wherein and whereby such owner shall covenant, promise and agree to indemnify, hold and save harmless the city of and from all damages and claims for damages arising by reason of the existence, use, maintenance or operation of any or all of the structures;

F. That the owner of the lands shall for himself, his heirs, successors and assigns forever, as a covenant running with the adjacent lands of the owner, undertake, covenant, promise and agree if and when the owner or owners, their heirs, successors or assigns shall cease to use, maintain or operate such structures, or any thereof, that they shall and will remove the same and restore the subsurface and surface of such streets, alleys and sidewalks to the same condition as they existed at the time of the grant of the license aforesaid;

G. That the agreement of the license shall contain such terms, covenants, conditions and agreements as shall, in the discretion of the council, provide for full, complete and adequate protection off the city and the persons using such streets, alleys and sidewalks and shall be subject to termination upon thirty days' notice. (Ord. -- §1,19--)

12.04.020 Penalty for violation. Every person or persons committing, causing or maintaining any nuisance mentioned in Section 12.04.010 is punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment. (Ord. -- §2, 19--)

12.04.030 The use of personal mobility devices (excluding wheelchairs) in certain areas prohibited.

- A. It is unlawful for any person to use or ride a personal mobility device (excluding wheelchairs) upon any sidewalk adjacent to Main Street.
- B. It is unlawful for any person to use or ride a personal mobility device (excluding wheelchairs) upon any public or private property without the consent of the owner or operator when the property is posted in a conspicuous manner that such use is prohibited pursuant to the provisions of this section.
- C. The suitability of areas for use of personal mobility devices specifically prohibited or not specifically prohibited is not warranted and the Town of Fort Jones disclaims liability for those areas.

12.04.040 Definitions A personal mobility device is any conveyance designated to carry people such as, but not limited to: Bicycles, skateboards, skates or scooters.

12.04.050 Penalty for violation. A violation of this section shall constitute an infraction subject to a fine of not to exceed \$50.00 for the first violation, \$100.00 for the second violation within one year, and \$250.00 for each subsequent violation within one year.

Chapter 12.08

UNDERGROUND UTILITY DISTRICTS

Sections:

<u>12.08.010</u>	<u>Definitions.</u>
<u>12.08.020</u>	<u>Public hearing by council.</u>
<u>12.08.030</u>	<u>Council may designate underground utility districts by resolution.</u>
<u>12.08.040</u>	<u>Unlawful acts.</u>
<u>12.08.050</u>	<u>Exception--Emergency or unusual circumstances.</u>
<u>12.08.060</u>	<u>Other exemptions.</u>
<u>12.08.070</u>	<u>Notice to property owners and utility companies.</u>
<u>12.08.080</u>	<u>Responsibility of utility companies.</u>
<u>12.08.090</u>	<u>Responsibility of property owners.</u>
<u>12.08.100</u>	<u>Responsibility of city.</u>
<u>12.08.110</u>	<u>Extension of time.</u>
<u>12.08.120</u>	<u>Penalty.</u>

12.08.010 Definitions. Whenever in this chapter words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

A. "Commission" means the Public Utilities Commission of the state.

B. "Person" means and includes individuals, firms, corporations, partnerships and their agents and employees.

C. "Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, 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.

D. "Underground utility district" or "district" means that area in the city 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 12.08.030.

E. "Utility" includes all persons or entities supplying electric, communication or similar or associated services by means of electrical materials or devices. (Ord. 24-1975 §1, 1975)

12.08.020 Public hearing by council. The council 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 city and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned, by mail, of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 24-1975 §2, 1975)

12.08.030 Council may designate underground utility districts by resolution.

A. If, after any such public hearing the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which such affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 24-1975 §3, 1975)

12.08.040 Unlawful acts. Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 12.08.030, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 12.08.090, and for such reasonable time required to remove such facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 24-1975 §4, 1975)

12.08.050 Exception-- Emergency or unusual circumstances. Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 24-1975 §5, 1975)

12.08.060 Other exceptions. This chapter and any resolution adopted pursuant to Section 12.08.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city administrator;
- B. Poles or electrifiers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electrical energy at nominal voltages in excess of thirty-four thousand five hundred volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 24-1975 §6, 1975)

12.08.070 Notice to property owners and utility companies.

A. Within ten days after the effective date of a resolution adopted pursuant to Section 12.08.030, the city clerk shall notify all affected utilities and persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

B. Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 12.08.030, together with a copy of the ordinance codified in this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 24-1975 §8, 1975)

12.08.080 Responsibility of utility companies. If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 12.08.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Ord. 24-1975 §8, 1975)

12.08.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 12.08.080 and the termination facility on or within the building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

B. In the event any person owning, operating, leasing, occupying or renting the property does not comply with the provisions of subsection A of this section within the time provided for in such resolution enacted pursuant to Section 12.08.030, the city administrator shall post a written notice on the property being served and thirty days thereafter shall have the authority to order disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property.

C. The notice given by the city administrator to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if the work is not completed within thirty days after receipt of such notice, the city engineer will provide such required underground facilities in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

D. If, upon the expiration of the thirty-day period, the required underground facilities have not been provided, the city administrator shall forthwith proceed to do the work; provided, however, that if such premises are unoccupied and no electric or communication services are being furnished thereto, the city administrator shall in lieu of providing the required facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property. Upon completion of the work by the city administrator, he shall file a written report with the city council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which time shall be not less than ten days thereafter.

E. The city administrator shall forthwith, upon the time for the hearing such protests having been fixed, give a notice in writing thereof to the owner thereof, in the manner provided in this section for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

F. Upon the date and hour set for the hearing or protests, the council shall hear and consider the report and all protests, if there are any, and then proceed to affirm, modify or reject the assessment.

G. If any assessment is not paid within five days after its conformation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city administrator, and the city administrator is directed to turn over to the assessor and tax collector a notice of lien on each of the properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. The assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. (Ord. 24-1975 §9, 1975)

12.08.100 Responsibility of city. The city shall remove at its own expense all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 12.08.030. (Ord. 24-1975 §10, 1975)

12.08.110 Extension of time. In the event that any act required by this chapter or by a resolution adopted pursuant to Section 12.08.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 24-1975 §11, 1975)

12.08.120 Penalty. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any of the provisions of the chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefore as provided for in this chapter. (Ord. 24-1975 §12, 1975)



