

ORDINANCE NO. 2007-16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AMENDING AND ADDING CERTAIN SECTIONS
OF CHAPTERS 7-6, 7-8, AND 10-2 OF THE SAN
JUAN BAUTISTA MUNICIPAL CODE, REGARDING
UNDERGROUNDING OF UTILITIES, ENCROACHMENTS
FOR THE PURPOSE OF UNDERGROUDING, AND RESTORATION
OF STREETS FOLLOWING UNDERGROUNDING**

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**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY
ORDAINS AS FOLLOWS:**

SECTION 1. Sections 7-6-200, 7-8-225, 7-8-315, 7-8-320, 7-8-340, and 10-1105 of the San Juan Bautista Municipal Code hereby are **amended** to read as follows; and Section 7-8-280 hereby is **added** to the San Juan Bautista Municipal Code to read as follows:

7-6-200 Undergrounding utility facilities.

All extensions, replacements, or relocations of distribution lines of utilities, as such facilities are defined at SJBMC 10-2-1105, shall be placed underground, unless it is determined by the City Manager that the project is of such a small scale that undergrounding would be impracticable.

7-8-225 Fees and charges.

Fees for the issuance of the permit and charges shall be established by the City Council from time to time by resolution upon recommendation of the City Manager.

A public agency or utility that is authorized by law to establish or maintain any works or facilities in, under, or over any public street may, at the option of the City Manager, arrange to be billed for the required fees and charges.

7-8-315 Notification – commencement of work.

The permittee shall notify the City Manager at least two working days in advance of commencement of work. If appropriate, the permittee shall give such advance notice as may be required by the City Manager to the County Sheriff and/or Fire Department of the location and nature of the proposed work.

7-8-320 Restoration of street.

Upon completion of the work, acts or things for which the permit was issued, or when required by the City Manager, the permittee shall replace or restore the street in the area of the work to current City Standards and Specifications, and as required in the permit, unless otherwise required by the City Manager. Pavement restoration shall be a minimum of 12” beyond the excavation along all edges, and may be extended to include adjacent loose and/or distressed pavement as directed by the City Manager. The limits of all restoration work in streets may be extended to conform at adjacent joints, trench lines, curbs, or other limit as directed by the City Manager. The permittee shall remove all obstructions, impediments, material or rubbish caused to be or placed upon the street under the permit, and shall do any other work or perform any act necessary to restore the street to a safe and usable condition.

7-8-340 Relocation or removal of encroachments.

If any future construction or maintenance work by the City or required by the City on a street requires the relocation, removal or abandonment of installation or encroachments in, on, or under a street, the permittee owning, controlling, or maintaining such installations or encroachments shall relocate, remove, or abandon the same at permittee’s sole expense.

If any installations or encroachments are no longer in use, the permittee owning, controlling, or maintaining shall relocate, remove or abandon the same at permittee’s sole expense.

When removal, relocation, or abandonment is required, the City Manager shall give said permittee a written demand specifying the place of relocation, or that the installation or encroachment must be removed or abandoned. If said permittee fails to comply with said instructions, the City may cause the removal, relocation, or abandonment of the encroachment at the expense of the permittee.

The permittee shall obtain an encroachment permit for the work or relocation, removal, and/or abandonment, unless waived by the City Manager.

10-2-1105 Utility distribution facilities to be placed underground.

All utility distribution or communication facilities supplying electric, communication or similar or associated services, installed in and for the purpose of supplying such service to any residentially zoned subdivision requiring the filing of a final map shall be placed underground. All facilities shall be placed in underground utility boxes or vaults that are flush with the surrounding ground surface, unless the facility is screened from view in a manner acceptable to the Planning Commission. Distribution facilities do not include metal poles used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, and facilities used to carry voltages higher than 35,000 volts.

7-8-280 Street excavation moratorium – permit denial.

In order to preserve the ride quality, structural integrity and appearance of newly construction or renovated streets, permission to excavate in newly constructed or renovated streets will not be granted for five (5) years after completion of street renovation as shown by the filing of a Notice of Completion. Applicants shall determine alternate methods of installing utilities or making necessary repairs to avoid excavating in newly renovated streets. Exceptions to the above are as follows:

- (A) Emergency which endangers life or property.
- (B) Interruption of essential utility service.
- (C) Work that is mandated by legislation applicable to the City or person performing the excavation or ordered by any court or governmental entity with jurisdiction over the City.
- (D) Service lateral for building or facility where the applicant has no other means of providing service.
- (E) Other situations deemed by the City Manager to be in the best interests of the City.

All permits that are issued under (A) through (E), above, shall be restored in accordance with SJBMC 7-8-320, and shall also include a final application of a Type 11 Slurry Seal as specified in CalTrans Standard Specifications, latest edition. The limits of the slurry seal shall be over the area of work in pavement, and at a minimum shall be from edge pavement to centerline of street and shall extend 50 feet beyond each end of work, or as determined by the City Manager.

SECTION 2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

SECTION 3. Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 20th day of May, 2007, and was adopted at a regular meeting of the San Juan Bautista City Council on the 19th day of June, 2007, by the following vote:

AYES: Hill, Dias, Laverone, Edge

NOES: None

ABSENT: Paradice

ABSTAIN: None

Priscilla J. Hill, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney

Posted 6/26/07 tsp

