

**SECTION 340.
ELECTRICAL AND COMMUNICATION LINES**

341.00. REGULATION, CONSTRUCTION, MAINTENANCE, LOCATION, AND RELOCATION OF ELECTRICAL AND COMMUNICATION LINES

341.01. PURPOSE

It is in the public interest and necessary in order to promote and preserve the general welfare, assure the orderly development of the city and provide for the safety and convenience of its inhabitants, that all existing overhead distribution systems and transmission lines of electrical and communication utilities be eliminated as soon as possible and that distribution lines and systems used in the supplying of electric, communication or similar associated services be placed, constructed and installed underground. The Engineer shall annually review with the utilities the progress made towards accomplishing this goal.

341.02. UNDERGROUND ELECTRIC WIRE INSTALLATIONS

In addition to any other requirements of this ordinance, the following shall be applicable to the installation of electric and communication distribution systems of all utilities, excluding high voltage circuits and transmission lines of 15,000 volts or more.

Subd. 1. Extension of Distribution Lines

Every extension of any distribution lines, circuits and systems and any service lateral providing permanent electric power service, communication service or other associated utility services shall be installed underground when for:

- (1) Any new building where the service lateral is street fed;
- (2) Any new subdivision;
- (3) Any new development or industrial park containing new commercial or industrial buildings.

Subd. 2. Permanent Replacement and Relocation

Any permanent replacement, relocation, reconstruction or new construction of any distribution line, circuit or system of any such utility and any service lateral shall be installed underground when for or made in connection with:

- (1) Any freeway or highway project.
- (2) Any industrial or residential redevelopment project.

Subd. 3. Time Limits for Compliance

All overhead distribution lines, circuits and systems of such utilities located within main highways and streets, excluding alleys, shall be placed underground by the year 2000.

Subd. 4. Lines Located Underground Shall Remain Underground

Wherever any part or portion of the distribution system and transmission lines of any such utilities in an area or district of the city is now located underground, such parts or portion shall remain underground and any replacement, relocation, reconstruction, repair and extension thereof shall be

installed underground.

341.03. SIDES OF BUILDINGS, ETC.

Any person or company using or operating electric wires in any manner other than by the use of poles or brackets, may carry the same up the side or front of any building provided that such wires or their supports shall not extend over six (6) inches into any street, alley or public place, and provided that no wires or supports thereof shall cross the front of any window or opening in such building.

341.04. ACCEPTANCE OF CODE

No person or company furnishing or intending to furnish to any person, corporation or to the public within the city, electrical, communication or other associated services, shall be allowed to use any of the public streets, alleys or public places of the city, or to construct, maintain or operate alleys or public places of the city, or to construct, maintain or operate therein, thereon, across or thereunder, any poles, conduits, tunnels, cables or wires for such purpose, or be granted any permit therefor, or be permitted to avail himself, itself, or themselves of any of the privileges or conditions of this ordinance, until it or they shall have first applied for and been granted permission by the City Council to conduct and carry on such business for such length of time and under such terms, conditions, restrictions and provisions as the council shall designate and prescribe.

341.05. LIABILITY AND CLAIMS

All persons and companies accepting this ordinance and operating under it, assume all liability for any and all accidents, injuries and damages that may be caused to any person or property by installation or use of such underground wires, conduits, or cables, and shall at all times hold the city harmless from all damages arising therefrom and on 10 days notice from the city shall appear and defend all suits against said city as a result of any such accident, injury or damage.

341.06. APPLICATION FOR UNDERGROUND SPACE

Persons making application for spaces for underground facilities shall present their application and location drawings to the city engineer clearly indicating the type of underground system to be used, whether the system is to be a joint system to include electric supply and communications facilities, and specifying the proposed start and duration of the construction and the part of the street needed for construction. When such system, plans and specifications have been approved by the City Council, applicants shall deposit with the city a sufficient sum to defray the cost of repaving that portion of the street used by them, in case such paving is required.

341.07. ISSUANCE OF PERMIT

The City Council shall then issue a permit for such applicant granting the right to enter upon such streets as may be necessary, designating that portion that such applicant may be permitted to use and the location of its underground facilities.

Any question regarding the amount of space to be allowed to any applicant or the location of its underground facilities shall in case of any disagreement be decided by the City Council.

341.08. INSTALLATION OF UNDERGROUND FACILITIES

Underground facilities shall be located in the designated space as approved by the city engineer. All excavations for the purpose of placing facilities underground shall be made in accordance with specifications as approved by the city engineer. Periodic inspection of excavations and backfilling procedures will be conducted by representatives of the city engineer to ensure adherence and compliance to specifications. The top of all duct and cable system structures shall be located at a minimum depth of 24 inches to protect the system from injury by traffic.

Subd. 1. Definition; Utilities

For purposes of Section 341.08 utilities shall mean, the Natural Gas franchise, the Electrical Utility franchise, the Cable Television franchise, any Telephone company serving residents of Tonka Bay, the City of Tonka Bay's Sewer and Water Utilities and any other company, corporation, person, or partnership providing a public service to the citizens of Tonka Bay requiring the placement of lines, wires, conduits, pipes or any other facility for the transmission of high or low voltage electric current, natural gas, sewage, waste, water, or radio or television signals.

Subd. 2. Records and Plats

All utilities shall keep current records and plats on all underground facilities they own or operate. Such plats are to be available to all utilities immediately upon request.

Subd. 3. Authority to City Engineer

In the repair, addition or change of any underground facilities, no person or company shall be permitted to interfere with the underground facilities of any other person or company, except so far as shall be necessary to make such repairs, additions or changes. All such repairs, additions or changes shall be made in accordance with specifications as approved by the engineer and the engineer shall be notified before work thereon is commenced. Conditions requiring emergency street opening and for repair may be handled at the discretion of the city engineer. All companies laying underground facilities under the provisions of this ordinance shall begin such work at a time fixed by the city engineer, and shall prosecute the same as fast as ordered by the city engineer.

341.09. CONNECTION WITH SIDE LINE OF STREET

Permission is hereby granted to any person or company controlling underground facilities to connect the same with the side line of the street by using such space under the street and sidewalk from the space theretofore granted as may be necessary.

341.10. ORNAMENTAL STREET LIGHTS

All new street lighting systems designated to replace existing street lighting utilizing overhead wires shall be underground wirings as specified or authorized by the city engineer. Where a new development, whether residential, commercial, or industrial is established incorporating a street lighting system, that lighting system shall also be of an ornamental style utilizing decorative poles and underground wiring approved or specified by the city engineer. The electrical service for the ornamental system shall be supplied to the area underground as specified or approved by the city engineer. Where the electrical service crosses a roadway or driveway, the cable shall be enclosed in a conduit system.

341.11. AUTHORIZED SERVICEMEN

Those employees designated or authorized by any utility to enter any building, areaway, or other private place, for the purpose of placing, extending or repairing any wires, cables conduits, or other fixtures pertaining to the underground electrical service, shall be furnished appropriate identification which shall be displayed upon request. No person except those designated shall seek to enter any private place under pretence of being employed on such service and no authorized serviceman shall in any way alter, remove or interfere with the wires, cables conduits or fixtures of any person or company other than that in whose employ he may be, without proper authority from the owners or agents thereof.

341.12. EXISTING POLES, WIRES

Nothing in this ordinance shall be construed as prohibiting necessary repairs to any poles or wires properly in use within the city limits.

341.13. PENALTIES

Any violation of this ordinance shall be a misdemeanor. The continued violation of the provisions of this ordinance shall constitute a separate offense for each day that such violation shall continue.