

**Subject: Ordinance #1548 – Amending RMC 18.04.010 and 18.05.020 to Incorporate undergrounding Requirements for electrical facilities**

**NOTE: this is related to Ordinance #1549**

**Proposed Council Action:**

This is scheduled for First Reading. Unless Directed otherwise, this matter will return for Second Reading and Action on July 20, 2021.

**Dept. Origin:** Electrical Utility

**Prepared by:** Jennifer Robertson  
 City Attorney

**For Agenda of:** July 6, 2021

**Exhibits:** Ordinance #1548

	Initial & Date
<b>Concurred by Mayor:</b>	_____
<b>Approved/form by City Atty:</b>	<u>JSR/6-21-21</u>
<b>Approved by _____ Director:</b>	_____
<b>Approved by Department Head:</b>	_____

**INFORMATION / BACKGROUND**

In accordance with RCW 35.92.050 the City of Ruston is the electrical provider within the city limits of Ruston. When electrical distribution lines are placed underground, electrical reliability is increased as the lines cannot be taken down in windstorms, by tree growth, or by auto accidents that may occur on city rights of way. In addition, when electrical and communications lines are removed from city rights of way, utility poles are also removed which makes the city streets and sidewalks less cluttered, more aesthetically pleasing, and safer as automobiles, other vehicles, bicycles, and pedestrians will not collide with utility poles. In Ruston, the public enjoys views of Puget Sound and mountain views from many public places within the City of Ruston and overhead wires and facilities can obstruct these views and are unsightly. For all of these reasons, the City has adopted many policies over the years to support conversion of electrical and communications facilities from aerial to underground.

Some examples of these policies are found in the following documents:

- ROW Use Master Permits and Utility Relocation RMC 14.06.230 which request relocation of aerial facilities underground. (Adopted in 2012.)
- RMC 18.04.010 – “The installation of underground cable service from the transformer to the point of use shall be at the expense of the user of such service.” (Adopted in 1979.)
- RMC 18.04.020 – “The maintenance of underground cable service from the transformer to the point of use shall be at the expense of the user of the service.” (Adopted in 1979.)

- RMC 29.02.020 requires all electrical and telephone distribution systems to be placed underground in all subdivisions (In the code since at least 2004.)
- Importance of undergrounding is emphasized in all franchise agreements entered into by Ruston over the past 20+ years.
- Ruston Comprehensive Plan Policies also demonstrate City’s policy of undergrounding utilities:
  - Ch. 2 – Vision, Goals and Framework - Capital Facilities and Services Policy: “**FW-48** Aerial utilities should be located and relocated underground. Seek opportunities to achieve this.” (p. 22.)
  - Ch. 3 – Community Character – CC Policy: “**CC- 24** Enhance the scenic views and aesthetic quality of Ruston by placing overhead utilities underground.” (p. 27.)
  - Chapter 4 – Land Use Vision, Utility Services, includes: “In addition, Ruston also requires new development to underground aerial utilities and provide at a minimum, conduit for future telecommunication facilities.” (p. 31.)
  - Ch. 7, Transportation Vision, re: Alleys, says: “When the vehicle driving surface is less than 12’ wide, opportunities to place aerial utilities underground, (thus eliminating the need for utility poles which limit drive aisle width), should be considered.” (p. 91.)
  - Ch. 8 – Utilities – Utilities Goals in Comp Plan includes: “Pursue funding and other opportunities to place overhead utilities underground. All utilities related to new construction should be required to be placed underground.” (p. 154.)
  - Ch. 8 – Utilities - Comp Plan Policy UT-13 and UT-14:
    - “**UT-13** All new electrical and telecommunication wires should be located underground. Existing overhead utilities should be placed underground when impacted by new development and whenever possible.” (p. 155.)
    - “**UT-14** Support feasible co-location of new public and private utility distribution facilities **in shared trenches**. Promote coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery. Provision of an efficient, cost effective and reliable utility service is encouraged by ensuring land will be made available for the location of utility lines and utility facilities.”

It is the Council’s vision for the City that eventually all overhead wires and facilities will be moved underground to make power more reliable, make City rights of way safer and less cluttered, and to provide better aesthetics throughout the City. In order to codify this practice, a new chapter

14.10 RMC is being proposed to be added to the Ruston Municipal Code to address facility undergrounding.

For consistency with this new Chapter, amendments to the City's Electric Utility Title 18 RMC should be made, specifically amending 18.04.010 and 18.05.020. RMC 18.04.010 was adopted in 1979 and RMC 18.05.020 was adopted in 1994 and neither of these sections have been updated since adoption.

These revisions have been reviewed by the City's electrical engineer and special projects manager, both of whom support approval of this Ordinance.

**FISCAL CONSIDERATION**

None.

**RECOMMENDATION / MOTION**

This is scheduled for First Reading. Unless directed otherwise, this matter will return for Second Reading and Action on July 20, 2021.

**ORDINANCE NO. 1548**

**AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, RELATING TO THE INSTALLATION OF ELECTRICAL CABLES, AMENDING SECTIONS 18.04.010 AND 18.05.020 OF THE RUSTON MUNICIPAL CODE TO REQUIRE ELECTRICAL UNDERGROUNDING AND TO INCORPORATE THE PROVISIONS OF NEWLY ADOPTED CHAPTER 14.10 OF THE RUSTON MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City of Ruston is the electrical provider within the city limits of Ruston; and

WHEREAS, when electrical distribution lines are placed underground, electrical reliability is increased as the lines cannot be taken down in windstorms, by tree growth, or by auto accidents that may occur on city rights of way; and

WHEREAS, when electrical and communications lines are removed from city rights of way, utility poles are also removed which makes the city streets and sidewalks less cluttered, more aesthetically pleasing, and safer as automobiles, other vehicles, bicycles, and pedestrians will not collide with utility poles; and

WHEREAS, the public enjoys views of Puget Sound and mountain views from many public places within the City of Ruston; and

WHEREAS, overhead wires and facilities can obstruct these views and are unsightly; and

WHEREAS, the City Council desires that any new facilities be installed underground in accordance with the conditions and procedures in this Ordinance, so that eventually, all overhead wires and facilities will be moved underground to make power more reliable, make City rights of way safer and less cluttered, and to provide better aesthetics throughout the City; and

WHEREAS, in the alternative, the City Council recognizes that it also has the power to convert existing overhead electric and communication facilities to underground facilities pursuant to RCW 35.43.190 where such facilities are owned or operated by the City, or to create a local improvement district in an area where such facilities are not owned by the City, pursuant to chapter 35.96 RCW; and

WHEREAS, every utility pole located in the City limits of Ruston is owned by the City of Ruston; and

WHEREAS, the City has long sought to transition all of its electrical distribution lines from aerial to underground; and

WHEREAS, the Council recently adopted a new Chapter 14.10 to the Ruston Municipal Code to require certain utilities and communications lines to be placed underground; and

WHEREAS, RMC 18.04.010 was adopted in 1979 and RMC 18.05.020 was adopted in 1994 and neither of these sections have been updated since adoption; and

WHEREAS, on July 6, 2021, the City Council held first reading of this Ordinance; and

WHEREAS, on July 20, 2021, the City Council held second reading of this Ordinance, and after due consideration, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Section 18.04.010 of the Ruston Municipal Code is hereby amended to read as follows:

**18.04.010 Installation — Expense.**

Whenever new electrical service is added to a property, the installation from the meter to the private property, including any structure or structures shall be placed

underground. The installation of underground cable service from the transformer to the point of use shall be at the expense of the user of the service. Such installation expense shall be deemed to include all labor and material costs incidental to the furnishing of such service, including but not limited to trench excavation, backfill, conduit, ~~and cable,~~ secondary service box (SSB) and underground secondary multi-tap connections.

**Section 2.** Section 18.05.020 of the Ruston Municipal Code is hereby amended to read as follows:

**18.05.020 Underground connections.**

All new or upgraded electrical service shall be installed underground from the meter to the private property, including connecting to any structure or structures in accordance with RMC 18.04.010 and Chapter 14.10 RMC. ~~The~~ For such underground connections, the following provisions shall apply to those services described in Section 18.05.010 ~~which include underground connections:~~

- (a) The customer will be required to provide and install conduit and service wire between the meter and point of connection to the ~~Town~~City's electrical system. The customer may, if reasonably necessary to provide service, be required to provide and install a secondary service box service splice tax. All such materials and installation will meet ~~Town~~City specifications.
- (b) Trenching on public rights-of-way will be performed by a licensed and bonded contractor. The customer will be responsible for right-of-way restoration. This work will require a Street Excavation Permit in accordance with Chapter 14.08 RMC.
- (c) The service line between the meter and service splice box shall be the property of the customer. The ~~Town~~City shall not be responsible for its maintenance or repair.
- (d) All work on the City rights of way shall meet the current adopted public works standards.

**Section 3. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 4. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 5. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 20th day of July, 2021.

APPROVED by the Mayor this 20<sup>th</sup> day of July, 2021.

\_\_\_\_\_  
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Judy Grams  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer S. Robertson  
City Attorney's Office

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: 1548