

ORDINANCE NO. 1725

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 39A entitled UNDERGROUND INSTALLATION OF LINES AND PIPES AND THEIR RELATED FACILITIES; which new Chapter 39A relates to and REQUIRES PUBLIC SERVICE COMPANIES, THE CITY OF ALEXANDRIA AND PERSONS TO INSTALL CERTAIN LINES AND PIPES AND THEIR RELATED FACILITIES, UNDERGROUND AND ESTABLISHES REGULATIONS FOR INSTALLATION.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter numbered 39A to read as follows:

CHAPTER 39A

UNDERGROUND INSTALLATION OF LINES
AND PIPES AND THEIR RELATED FACILITIES.

Sec. 39A-1. Definition of customer utility services.

As used in this chapter, the words "customer utility services" shall have the following meaning unless the context otherwise indicates:

All those poles, towers, wires, lines, cables and appurtenant equipment located between the distribution line and wall of the building or structure occupied or intended to be occupied by a customer in the case of any service such as electricity, telephone, telegraph, cable television, traffic control, fire alarm or police communication, and all those conduits, pipes and appurtenant equipment located between the main and the wall of the building or structure occupied or intended to be occupied by a customer in the case of any service such as gas, water, steam or petroleum.

Sec. 39A-2. Customer utility services to be placed underground.

All new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971, be installed below the surface of the ground; provided that

- (a) Equipment such as electric distribution, transformers, switchgear, meter pedestals, telephone pedestals, terminals and other similar equipment, which is normally installed above ground in accordance with accepted utility practices for underground distribution systems may be so installed.
- (b) Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed.
- (c) Overhead customer utility services existing as of the effective date of this chapter may be repaired, replaced or increased in capacity.
- (d) Temporary overhead facilities required for construction purposes will be permitted.

(e) All customer utility services installed underground and repairs, replacement or increase in capacity thereof shall be performed in accordance with accepted standards of utility practice for underground construction.

(f) The cost of all such services installed underground shall be paid as agreed between the City and the party furnishing the utility services, or, in the absence of such agreement, as determined or approved by the State Corporation Commission.

Sec. 39A-3. Transmission, distribution and main lines
to be placed underground.

All new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the City shall, after October 15, 1971, be installed below the surface of the ground or below the surface in the case of bridges and elevated highways; provided that

(a) Equipment such as electric distribution transformers, switchgear, meter pedestals, telephone pedestals, terminals and other similar equipment, which is normally installed above ground in accordance with accepted utility practices for underground distribution systems may be so installed.

(b) Overhead facilities existing as of the effective date of this chapter may be repaired, replaced or increased in capacity.

(c) Temporary overhead facilities required for construction purposes will be permitted.

(d) All such facilities installed underground and repairs, replacement or increase in capacity thereof shall be performed in accordance with accepted standards of utility practice for underground construction.

(e) All such new installation of cable television and all such new installation, extension or relocation of city traffic control, fire alarm or police communication lines may use existing overhead facilities until such time as those facilities are required to be installed below the surface of the ground.

(f) The cost of all such facilities installed underground shall be paid as agreed between the City and the party furnishing the utility facilities, or, in the absence of such agreement, as determined or approved by the State Corporation Commission.

Sec. 39A-4. Variance or waiver of provisions of chapter.

The city council may permit less than full compliance with or waive the provisions of this chapter for good cause shown, provided:

(a) Written application is made.

(b) A public hearing is held.

(c) The decision is made by a majority vote of the entire membership of city council.

Sec. 39A-5. Relation of chapter to other laws.

The provisions contained in this chapter shall be considered separate from, supplemental to and additional to the provisions contained in chapter 7, chapter 30, chapter 34, chapter 42 and elsewhere in this Code or other city ordinances. Nothing contained in this chapter shall excuse any person from compliance with all other applicable provisions of this Code or other city ordinances. In the event of a conflict between any provisions of this chapter and any provisions of this Code or other city ordinances, the provisions of this chapter shall control. Notwithstanding the above, nothing herein shall be construed to amend any provision of any franchise granted by the city.

Sec. 39A-6. Transition.

All buildings and structures for which a building permit shall have been duly and regularly issued by the director of building and mechanical inspections on or before October 15, 1971, which permit has not expired, may be completed without the necessity of complying with this chapter.

All buildings, structures, and alterations to buildings or structures for which a final site plan shall have been duly and regularly issued on or before October 15, 1971, and which site plan has not expired, may be completed without the necessity of complying with this chapter.

All subdivisions of land for which an approved final plat of subdivision has been duly and regularly issued and released on or before October 15, 1971, which approved plat has not expired and for which the guarantee for the required public improvement is in full force and effect may be completed without the necessity of complying with this chapter.

Any city, state or federal highway or bridge project for which invitations to bids have been advertised on or before October 15, 1971, may be completed without the necessity of complying with this chapter.

Any private highway or street highway or bridge project for which actual site construction has begun on or before October 15, 1971, may be completed without the necessity of complying with this chapter.

Notwithstanding the foregoing provisions of this section, the provisions of this chapter shall apply prospectively to buildings, structures, alterations to buildings and structures, subdivisions of land, and city, state, federal and private highway and bridge projects after completion of such buildings, structures, alterations to buildings and structures, subdivisions of land, and city, state, federal and private highway and bridge projects.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.
Mayor

FINAL PASSAGE: OCTOBER 12, 1971