

ORDINANCE NO. 1539

AN ORDINANCE TO AMEND TITLE IX, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY ADDING THERETO A NEW CHAPTER TO BE DESIGNATED CHAPTER 18 ENTITLED "UNDERGROUND REGULATIONS" TO PROVIDE THE PURPOSE THEREFOR, DEFINITIONS, REQUIREMENTS OF UTILITY COMPANIES, EXCEPTION, EMERGENCY, OR UNSUAL CIRCUMSTANCES, OTHER EXCEPTIONS, AND RESPONSIBILITY OF THE CITY; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATIONS HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title IX, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding thereto a new Chapter designated Chapter 18 entitled "Underground Regulations" to read as follows:

CHAPTER 18

UNDERGROUND REGULATIONS

9-18-1 Purpose: In order to improve the aesthetic appearance of the city, the purpose of this chapter is to establish a program for the removal of poles, overhead wires and associated structures of existing electric and communications facilities and to require that all new power distribution and communications lines be placed underground.

9-18-2 Definitions: For the purpose of this Chapter, the following definitions shall apply:

"City": Shall mean the City of Las Vegas, a Municipal Corporation of the State of Nevada.

"Board": Shall mean Board of Commissioners of the City of Las Vegas, Nevada.

"Customer": Shall mean individuals, firms, corporations, partnerships, and their agents utilizing the services of the utility.

"Utility": Shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical means or devices.

"Poles and overhead wires and associated overhead structures".

9-18-3 Requirements of Utility Companies

The Utility will construct, own, operate and maintain underground lines along public streets, roads, and highways which the Utility has a legal right to occupy, and on public lands and private

property across which rights of way and easements have been obtained whenever there is a requirement to rebuild, replace, or move an existing distribution line, or to build a new distribution line subject to the following conditions:

A. Such lines are 500 feet or more in length.

B. Customers will be given an opportunity by the Utility Company to continue their service underground by providing the necessary trenching between the service point and the meter. The Utility will provide and install the necessary wiring conduit and appurtenances up to 100 feet from the service point. In the event a customer refuses to cooperate, a service stub pole will be provided by the Utility and the service connection will remain overhead.

C. If the majority of customers adjoining the line being replaced do not agree to the undergrounding as given above, this will be cause for application for continuation of overhead service by the Utility.

9-18-4 Exception, Emergency, or Unusual Circumstances.

Notwithstanding the provisions of this ordinance, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days in order to provide emergency service. The Board may grant special permission, on such terms as they 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. Application for such special permission shall be filed with the Director of Public Works, and shall be transmitted by him to the Board along with his recommendation regarding the granting or denial of such application. The action of the Board in consideration of the application shall be final and binding.

9-18-5 Exception Municipal Equipment.

The provisions of this ordinance shall not apply to poles used exclusively for fire alarm boxes or any other municipal equipment

under the supervision and to the satisfaction of the Director of Public Works or to poles and overhead wires and associated overhead structures used exclusively for street lighting.

9-18-6 Other Exceptions.

The City may authorize any or all of the following exceptions:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Director of Public Works.

B. Poles and appurtenances used exclusively for street lighting.

C. Poles, overhead wires, and associated overhead structures used for the transmission of electrical energy at nominal voltages in excess of 15,000 volts.

D. 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.

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

F. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

9-18-7 Responsibility of the City.

The City shall remove at its own expense all City-owned equipment from poles required to be removed upon notification by the Utility that such work is necessary.

SECTION 2. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith, are hereby repealed.

PASSED, ADOPTED AND APPROVED this 6th day of October, 1971.

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST: .

Edwina M. Cole

Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 15th day of September, 1971, and referred to the following committee composed of Commissioners Thornley and Morelli for recommendation; thereafter the said committee reported favorably on said ordinance on the 6th day of October, 1971, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Franklin, Morelli, Coblantz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:

Edwina M. Cole

Edwina M. Cole, City Clerk

RECEIVED

2 01 PM '71

CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

ROBERT E. HUNTER

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 8 Days

from October 9, 1971 to October 16, 1971

inclusive, being the issues of said newspaper for the following dates, to-wit:

October 9, 16, 1971

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed

Robert E. Hunter

Subscribed and sworn to before me this 19th day of October, 1971



RUTHE V. DESKIN

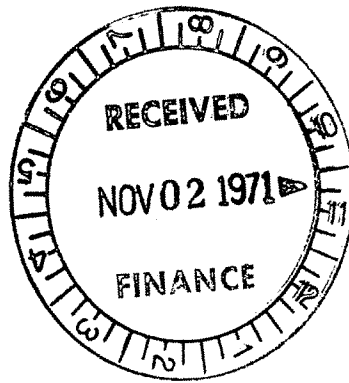
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 14, 1973

Ruthe V. Deskin

Notary Public in and for Clark County, Nevada

My Commission Expires

13123



ORDINANCE NO. 1539
 AN ORDINANCE TO AMEND TITLE IX, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY ADDING HERETO A NEW CHAPTER TO BE DESIGNATED CHAPTER 18 ENTITLED "UNDERGROUND REGULATIONS" TO PROVIDE THE PURPOSE THEREOF, DEFINITIONS, REQUIREMENTS OF UTILITY COMPANIES, EXCEPTION, EMERGENCY, OR UNUSUAL CIRCUMSTANCES, OTHER EXCEPTIONS, AND RESPONSIBILITY OF THE CITY; PROVIDING OTHER MATTERS PROPERLY RELATING HERETO; PROVIDING PENALTIES FOR THE VIOLATIONS HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title IX, of the Municipal Code of the City of Las Vegas, Nevada, 1960 edition, is hereby amended by adding thereto a new Chapter designated Chapter 18 entitled "Underground Regulations" to read as follows:

**CHAPTER 18
 UNDERGROUND REGULATIONS**

9-18-1 Purpose: In order to improve the aesthetic appearance of the city, the purpose of this chapter is to establish a program for the removal of poles, overhead wires and associated structures of existing electric and communications facilities and to require that all new power distribution and communications lines be placed underground.

9-18-2 Definitions: For the purpose of this Chapter, the following definitions shall apply:

"City": Shall mean the City of Las Vegas, a Municipal Corporation of the State of Nevada.

"Board": Shall mean Board of Commissioners of the City of Las Vegas, Nevada.

"Customer": Shall mean individuals, firms, corporations, partnerships, and their agents utilizing the services of the utility.

"Utility": Shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical means or devices.

"Poles and overhead wires and associated overhead structures."

9-18-3 Requirements of Utility Companies. — The Utility will construct, own, operate and maintain underground lines along public streets, roads, and highways which the Utility has a legal right to occupy, and on public lands and private property across which rights-of way and easements have been obtained whenever there is a requirement to rebuild, replace, or move an existing distribution line, or to build a new distribution line subject to the following conditions:

A. Such lines are 500 feet or more in length.

B. Customers will be given an opportunity by the Utility Company to continue their service underground by providing the necessary trenching between the service

point and the meter. The Utility will provide and install the necessary wiring conduit and appurtenances up to 100 feet from the service point. In the event a customer refuses to cooperate, a service stub-pole will be provided by the Utility and the service connection will remain overhead.

C. If the majority of customers adjoining the line being replaced do not agree to the undergrounding as given above, this will be cause for application for continuation of overhead service by the Utility.

9-18-4 Exception, Emergency, or Unusual Circumstances. — Notwithstanding the provisions of this ordinance, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days in order to provide emergency service. The Board may grant special permission, on such terms as they 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. Application for such special permission shall be filed with the Director of Public Works, and shall be transmitted by him to the Board along with his recommendation regarding the granting or denial of such application. The action of the Board in consideration of the application shall be final and binding.

9-18-5 Exception Municipal Equipment. — The provisions of this ordinance shall not apply to poles used exclusively for fire alarm boxes or any other municipal equipment under the supervision and to the satisfaction of the Director of Public Works or to poles and overhead wires and associated overhead structures used exclusively for street lighting.

9-18-6 Other Exceptions. — The City may authorize any or all of the following exceptions:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Director of Public Works.

B. Poles and appurtenances used exclusively for street lighting.

C. Poles, overhead wires, and associated overhead structures used for the transmission of electrical energy at nominal voltages in excess of 15,000 volts.

D. 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.

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

F. Temporary poles, overhead wires and associated overhead

structures used or to be used in conjunction with construction projects.

9-18-7 Responsibility of the City. — The City shall remove at its own expense all City-owned equipment from poles required to be removed upon notification by the Utility that such work is necessary.

SECTION 2. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 edition, in conflict herewith, are hereby repealed.

PASSED, ADOPTED AND APPROVED this 6th day of October, 1971.

APPROVED:
 (s) Oran K. Gragson,
 ORAN K. GRAGSON, Mayor

ATTEST:
 (s) Edwina M. Cole,
 EDWINA M. COLE, City Clerk

(SEAL)

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 15th day of September, 1971, and referred to the following committee composed of Commissioners Thornley and Morelli for recommendation; thereafter the said committee reported favorably on said ordinance on the 6th day of October, 1971, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Franklin, Morelli, Coblenz, Thornley and Mayor Gragson.

VOTING "NAY": None.

ABSENT: None.

APPROVED:
 (s) Oran K. Gragson,
 ORAN K. GRAGSON, Mayor

ATTEST:
 (s) Edwina M. Cole,
 EDWINA M. COLE, City Clerk

(SEAL)

Pub. Oct. 9, 16, 1971