ORDINANCE NO. 333

The Board of Supervisors of the County of Mariposa, State of California, does ordain as follows:

Section 1. Definitions

Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

(a) "Commission" shall mean the Public Utilities Commission of the State of California.

(b) "Underground Utility District" or "District" shall mean that area in the County within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 3 of this ordinance.

(c) "Person" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.

(d) "Poles, overhead wires and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-ground within a District and used or useful in supplying electric, communication or similar or associated service.

(e) "Utility" shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

Section 2. Public Hearing by Board of Supervisors

The Board of Supervisors may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the County and the underground installation of wires and facilities.
for supplying electric communication, or similar or associated
service. The County Clerk shall notify all affected property
owners as shown on the last equalized assessment roll and utilities
concerned by mail of the time and place of such hearings at least
ten (10) days prior to the date thereof. Each such hearing shall
be open to the public and may be continued from time to time. At
each such hearing all persons interested shall be given an oppor-
tunity to be heard. The decision of the Board of Supervisors
shall be final and conclusive.

Section 3. Board of Supervisors may designate Underground Utility
Districts by Resolution

If, after any such public hearing the Board of Supervisors
finds that the public necessity, health, safety or welfare requires
such removal and such underground installation within a designated
area, the Board of Supervisors shall, by resolution, declare such
designated area an Underground Utility District and order such
removal and underground installation. Such resolution shall in-
clude a description of the area comprising such district and shall
fix the time within which such removal and underground install-
ation shall be accomplished and within which affected property
owners must be ready to receive underground service. A reasonable
time shall be allowed for such removal and underground installation,
having due regard for the availability of labor, materials and
equipment necessary for such removal and for the installation of
such underground facilities as may be occasioned thereby.

Section 4. Unlawful Acts

Whenever the Board of Supervisors creates an Underground
Utility District and orders the removal of poles, overhead wires
and associated overhead structures therein as provided in Section 3
hereof, it shall be unlawful for any person or utility to erect,
construct, place, keep, maintain, continue, employ or operate poles,
overhead wires and associated overhead structures in the District.
after the date when said overhead facilities are required to be
removed by such resolution, except as said overhead facilities may
be required to furnish service to an owner or occupant of property
prior to the performance by such owner or occupant of the under-
ground work necessary for such owner or occupant to continue to
receive utility service as provided in Section 9 hereof, and for
such reasonable time required to remove said facilities after said
work has been performed, and except as otherwise provided in this
ordinance.

Section 5. 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, without authority of the Board of Supervisors
in order to provide emergency service. The Board of Supervisors
may grant special permission, on such terms as the Board of Super-
visors 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.

Section 6. Other Exceptions

This ordinance and any resolution adopted pursuant to
Section 3 hereof shall, unless otherwise provided in such resolution
not apply to the following types of facilities:

(a) Any governmental facilities or equipment installed
under the supervision and to the satisfaction of the County En-
gineer.

(b) Poles or electrifiers used exclusively for street
lighting.

(c) Overhead wires (exclusive of supporting structures)
crossing any portion of a District within which overhead wires
have been prohibited, or connecting to buildings on the perimeter
of a District, when such wires originate in an area from which
poles, overhead wires and associated overhead structures are not
prohibited.

(d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal
voltages in excess of 34,500 volts.

(e) 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 build-
ing or to an adjacent building without crossing any public street.

(f) Antennae, associated equipment and supporting struc-
tures, used by a utility for furnishing communication services.

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

(h) Temporary poles, overhead wires and associated over-
head structures used or to be used in conjunction with construction
projects.

Section 7. Notice to Property Owners and Utility Companies

Within ten (10) days after the effective date of a reso-
lution adopted pursuant to Section 3 hereof, the County Clerk
shall notify all affected utilities and all persons owning real
property within the District created by said resolution of the
adoption thereof. Said County Clerk shall further notify such
affected property owners of the necessity that, if they or any
person occupying such property desire to continue to receive elec-
tric, communication, or similar or associated service, they or
such occupant shall provide all necessary facility changes on
their premises so as to receive such service from the lines of the
supplying utility or utilities at a new location, subject to
applicable rules, regulations and tariffs of the respective utility
or utilities on file with the Commission.

Notification by the County Clerk shall be made by mailing a
copy of the resolution adopted pursuant to Section 3, together with
a copy of this ordinance, to affected property owners as such are
shown on the last equalized assessment roll and to the affected
utilities.
Section 8 Responsibility of Utility Companies
If underground construction is necessary to provide utility
service within a District created by any resolution adopted pur-
suant to Section 3 hereof, the supplying utility shall furnish
that portion of the conduits, conductors and associated equipment
required to be furnished by it under its applicable rules, regula-
tions and tariffs on file with the Commission.
Section 9 Responsibility of Property Owners
(a) Every person owning, operating, leasing, occupying or
renting a building or structure within a District shall perform
construction and provide that portion of the service connection
on his property between the facilities referred to in Section 8 and
the termination facility on or within said building or structure
being served, all in accordance with applicable rules, regulations
and tariffs of the respective utility or utilities on file with
the Commission.
(b) In the event any person, owning, operating, leasing,
occupying or renting said property does not comply with the provi-
sions of subparagraph (a) of the Section 9 within the time provided
for in the resolution enacted pursuant to Section 3 hereof, the
County Engineer shall post written notice on the property being
served and thirty (30) days thereafter shall have the authority to
order the disconnection and removal of any and all overhead service
wires and associated facilities supplying utility service to said
property.
Section 10 Responsibility of County
County shall remove at its own expense all County-owned
equipment from all poles required to be removed hereunder in ample
time to enable the owner or user of such poles to remove the same
within the time specified in the resolution enacted pursuant to
Section 3 hereof.

Section 11 Extension of Time

In the event that any act required by this ordinance or by
a resolution adopted pursuant to Section 3 hereof cannot be perfor-
med within the time provided on account of shortage of materials,
war, restraint by public authorities, strikes, labor disturbances,
civil disobedience, or any other circumstances beyond the control
of the actor, then the time within which such act will be accomp-
lished shall be extended for a period equivalent to the time of
such limitation.

Section 12 Penalty

It shall be unlawful for any person to violate any pro-
vision or to fail to comply with any of the requirements of this
ordinance. Any person violating any provision of this ordinance
or failing to comply with any of its requirements shall be deemed
guilty of a misdemeanor and upon conviction thereof shall be pun-
ished by a fine not exceeding Five Hundred Dollars ($500.00) or
by imprisonment not exceeding six (6) months, or by both such
fine and imprisonment. Each person shall be deemed guilty of a
separate offense for each day during any portion of which any
violation of any of the provisions of this ordinance is committed,
continued or permitted by such person, and shall be punishable
therefor as provided for in this ordinance.

Section 13 Constitutionality

If any section, sub-section, sentence, clause or phrase of
this ordinance is for any reason held to be invalid, such decision
shall not affect the validity of the remaining portions of this
ordinance. The Board of Supervisors hereby declares that it would
have adopted the ordinance and each section, sub-section, sentence,
clause or phrase thereof, irrespective of the fact that any one or
more sections, sub-sections, sentences, clauses or phrases be
declared invalid.

Section 14 Publication

The County Clerk is hereby directed to cause this ordinance
to be published by one insertion in the Mariposa Gazette, a news-
paper of general circulation printed, published and circulated
in the County and hereby designated for that purpose by the Board
of Supervisors.

Section 15 Effective Date

This ordinance shall take effect and be in force thirty (30)
days from and after its adoption.

The foregoing ordinance was passed this 8th day of De-

cember, 1970, by the following vote:

AYES: Davis, Hurlbert, Long, Moffitt, Richardson

NOES: None

ABSENT: None

NOT VOTING: None

Frank L. Long, Jr., Chairman of
the Board of Supervisors

ATTEST:

Gabrielle Wilson, County Clerk
and ex-officio Clerk of the Board
of Supervisors