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### 13.08.140 - Underground utilities in new construction or building.

The subdivider, land developer or property owner is responsible for complying with the requirements of this chapter, and he shall make the necessary arrangements with the utility companies for the installation of such facilities subject to the utilities' rules, regulations, and tariff schedules on file with the State Public Utilities Commission. This chapter shall apply to all property for which any development permit or approval for development by the city is required, including all property within subdivision maps and parcel maps hereinafter filed with the county recorder, except as provided for in this section. For the purposes of this chapter, appurtenances and associated equipment such as but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground.

The city council after review and recommendation by the planning commission, may waive the requirements of this chapter if topographical, soil or any other conditions make such underground installations unreasonable or impractical.

- A. The city engineer may accept a bond to guarantee later undergrounding of facilities if on the following criteria he finds undergrounding to be unfeasible at the time of construction or modification:
1. The project is not within an established underground utility district, but is within or adjacent to a proposed district;
  2. The location, topography, soil condition, or other factor(s) make undergrounding not technically or economically feasible at the time of construction or modification.

An estimate of the cost of the undergrounding shall be prepared by the subdivider and shall accompany the improvement. Cost estimates shall include a separate item for contingencies in the amount of ten percent of the estimated actual cost. Based on the estimate submitted by the subdivider, the city engineer shall determine the final estimated cost for the undergrounding. Security posted for the undergrounding shall be for the full amount of the estimated costs as determined by the city engineer. Security shall be of the type specified in Section 66499 of the Government Code and before acceptance by the city engineer, shall be approved by the city attorney as to form and legal sufficiency.

This section shall not apply to:

- a. Overhead facilities approved by the city engineer to be installed and maintained for a period not to exceed thirty days in order to provide emergency service; and
  - b. Temporary poles, overhead wires, and associated structures used, or to be used, in conjunction with construction projects; and
  - c. Poles, overhead wires, and associated overhead structures used for the transmission of electric energy at voltages in excess of thirty-three thousand volts.
- B. Except as provided for in this section, all utility facilities, including service laterals shall be installed in the ground prior to the paving of streets. The city engineer may authorize installation of utility facilities after street improvements are installed if the installation will not require reconstruction or repair of the street improvements or if unusual circumstances warrant. At the time of recommending approval of the tentative map for a proposed subdivision, the planning commission may recommend modification of the requirement for all or part of a subdivision where, due to physical conditions, it would cause undue hardship.

Both transformers and access points must be placed so as to safeguard the public against any hazard created by said equipment and to preserve good neighborhood appearance.

All utilities to be installed shall be installed within the street, alley, or walkway dedication as approved by the city engineer, or in easements obtained by the utility company adjacent thereto. The city engineer may allow deviations from this requirement of placement when compliance is deemed impractical, or where any conflicting paramount laws would allow such deviation.

The subdivider shall make all necessary arrangements for underground installations and for relocation of existing facilities with the utility companies involved. There shall be provided in each subdivision by the subdivider trenching, conduit and miscellaneous substructures necessary for the installation of cable television and its appurtenant electronic gear.

- C. In the development of a residential single-family lot or in any land division in an existing established built up family residential area, which results in four or less separate single-family residential lots that are in an existing overhead area where future undergrounding or extension of undergrounding to the surrounding areas is not contemplated within the foreseeable future, undergrounding of utilities shall be imposed as a condition; provided, however, that if such a condition is imposed, the owner in lieu thereof may pay a fee in the amount established by the city council by resolution.

In the event the application of the provisions of this subsection would be inequitable or would create a hardship and relief from this subsection would not be inconsistent with the purpose and intent of this chapter, the city council upon application being made may provide relief from this subsection on such terms and conditions as it may deem necessary to protect the public health, safety and welfare.

(Ord. 478 § 2, 1980: Ord. 431 § 1, 1979: Ord. 367 § 1, 1977; Ord. 353 § 1 (part), 1977: prior code § 7513.)