

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2088

AN ORDINANCE relating to underground electrical distribution systems; and amending Sections 1, 2, 3 and 11 of Ordinance No. 672; and Bellevue City Code, sections 16.34.010, .020, .030, and .110; repealing Sections 4, 5, 6 and 7 of Ordinance No. 672; and Bellevue City Code, sections 16.34.040, .050, .060 and .070; and adding new sections 16.34.040 and .050.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 672; and Bellevue City Code, Section 16.34.010 are hereby amended to read as follows:

16.34.010 Declaration of necessity. The Council does find that with the increased intensity of use of the properties and streets in the central business district, that the health, safety and welfare of the residents of the community require that the electric and communication distribution facilities be relocated underground as soon as practicable.

Section 2. Section 2 of Ordinance No. 672; and Bellevue City Code, Section 16.34.020 are hereby amended to read as follows:

16.34.020 Relocation. The policy of the city is that as major street improvement programs are undertaken in the central business district, which programs require electric and communication distribution facility relocations, that such facilities be relocated underground.

Section 3. Section 3 of Ordinance No. 672; and Bellevue City Code, Section 16.34.030 are hereby amended to read as follows:

16.34.030 Determination of relocation--Payment. The Council when ordering the improvement of any street, whether financed by a local improvement district or city funds, shall determine whether the relocation of electric and communication distribution facilities underground is required, and if so, the manner of payment therefor.

Section 4. Section 4, 5 and 6 of Ordinance No. 672; and Bellevue City Code, Section 16.34.040, 050, and 060 are hereby repealed.

Section 5. A new section is hereby added to Chapter 16.34 of the Bellevue City Code, to constitute Section 16.34.040 thereof, and to read as follows:

16.34.040 Notice to owners to convert service lines to underground--Objections--Hearing--Time limitation for conversion. When service from underground electric or communication facilities is available, the city shall mail a notice to the owners of all structures or improvements served from existing overhead facilities, which notice shall state the information required by RCW 35.96.050. If the

owner of any structure or improvement receiving such notice shall fail to convert to underground the service lines from existing overhead facilities to such structure or improvement within 90 days after the mailing to said owner of the notice required hereunder, the city shall order the electric and communication utilities to disconnect and remove all such service lines; provided, that if the owner has filed his written objections to such disconnection and removal with the City Clerk within 30 days after the mailing of the notice, then the city shall not order such disconnection and removal until after the hearing on such objections.

Upon the timely filing by the owner of objections to the disconnection and removal of service lines, the City Council, or a committee thereof, shall conduct a hearing to determine whether removal of all or any part of the service lines is in the public benefit. The determination reached by the City Council shall be final in the absence of an abuse of discretion.

Section 5. A new section is hereby added to Chapter 16.34 of the Bellevue City Code, to constitute Section 16.34.050 thereof, and to read as follows:

16.34.050 Overhead electric and communication distribution--
When prohibited. It shall be unlawful for the owner of any structure or improvement to maintain, or permit to be maintained, any overhead electric or communication distribution facility adjacent to an underground facility on or after 90 days from the mailing to said owner of the notice provided for in Section 16.34.040 hereof, unless said owner has filed written objections as provided for in said section, or after the City Council has held a hearing on written objections filed by an owner at which it has ruled that the removal of said overhead lines is in the public benefit.

Section 6. Section 7 of Ordinance No. 672; and Bellevue City Code, Section 16.34.070 are hereby repealed.

Section 7. Section 11 of Ordinance No. 672; and Bellevue City Code, Section 16.34.110 are hereby amended to read as follows:

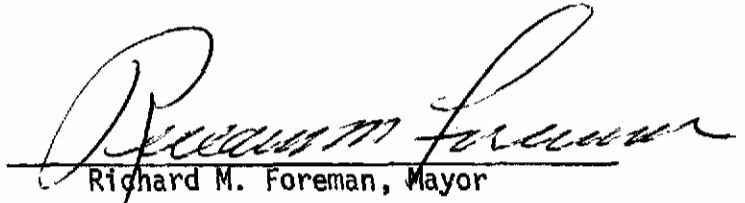
16.34.110 Penalty-for-violation. Violation a Misdemeanor.
A-violation-of-the-provisions-of-this-chapter,-or-any-amendments
thereto,-is-hereby-made-a-misdemeanor,-punishable-by-a-fine-of
not-more-than-\$100.00-or-imprisonment-not-to-exceed-30-days,
for-each-day-that-the-violation-continues. Any violation of,
or failure to comply with, the provisions of this chapter shall

be a misdemeanor. It shall be a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

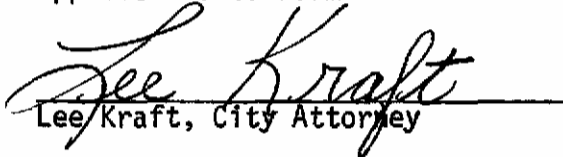
Section 8. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 10 day of June, 1974, and signed in authentication of its passage this 10 day of June, 1974.

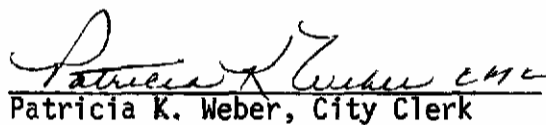
(SEAL)


Richard M. Foreman, Mayor

Approved as to Form


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published June 20, 1974