

SUBCHAPTER 1B ELECTRIC CONSTRUCTION

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6-1B-1 PURPOSE. In order to protect the public health, safety, and welfare, to promote a pleasing aesthetic appearance, and to facilitate the provision of city services, it is the purpose of this Ordinance to regulate within the City the construction, operation, and maintenance of facilities for the transmission and distribution of electricity to the public for compensation, and to keep the City apprised to the operation of electric utilities within the City.

6-1B-2 SCOPE. The provisions of this Ordinance shall apply to all Companies, as defined in Section 3 of this Ordinance.

6-1B-3 DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When, not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number:

1. "City" shall mean the City of Maquoketa, a municipal corporation of the State of Iowa.
2. "Company" shall mean any individual, partnership, co-operative, business association, or corporation owning or operating, within the corporate limits of the City, any facilities for furnishing electricity to the public for compensation.
3. "Council" shall mean the City Council of the City of Maquoketa, Iowa.
4. "Facilities" shall mean any overhead or underground electrical transmission or distribution line, along with related equipment and appurtenances.
5. "Person" shall mean an individual, partnership, co-operative, association, organization, corporation, or any lawful successor, transferee, or assignee of said individual, partnership, co-operative, association, organization, or corporation.
6. "Shall" and "Must" each be mandatory and not merely directory.
7. "Street" shall include each of the following which have been, or in the future are, dedicated to the public, maintained under public authority, and located within the City limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, city-owned easements, rights of way, and similar public ways and extensions and additions thereto.
8. "Superintendent" shall mean the superintendent of the City Electric Distribution System of the City.

6-1B-4 COMPLIANCE. It shall be unlawful for any Company to construct, operate, or maintain on City property any facilities, or to cause the construction, operation, or maintenance on City property of any facilities, without having fully complied with the provisions of this Ordinance.

6-1B-5 CONSTRUCTION STANDARDS. All Company facilities constructed, reconstructed, erected, relocated, or repaired within the corporate limits of the City shall:

1. When occupying City property, be located so as to cause minimum interference with proper use of City property and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any City property.
2. Be located so as to provide adequate sight distances and so as not to obstruct any traffic signals or signs. If any sight distances are inadequate or any traffic signals or signs are obstructed the Company shall, at no expense to the City and in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways relocate either its facilities or the traffic signals or signs.
3. Be located at least six feet (6') from any fire hydrant. If any facilities are not so located the Company shall, at no expense to the City, relocate its facilities.
4. Be constructed so as to provide for safe underbuilding of and located so as not to endanger or interfere with any facilities of another Company and with any other public utilities, including, but not limited to, natural gas pipelines, telephone wires, cable television wires, telephone or cable television underground conduits, fire hydrants, water pipes, sanitary sewers, and storm sewers. To these ends, the superintendent may, after consultation with affected persons and Companies, promulgate rules establishing utility corridors on City property and standardized placement of public utilities within those corridors.
5. Be kept and maintained in a safe, adequate, and substantial condition in accordance with all applicable federal, state, and local safety codes.

6-1B-6 DUTIES OF A COMPANY.

1. **Safety.** A Company shall at all times employ care and shall install and maintain in use commonly accepted methods and devices, as prescribed by the Iowa Electrical Safety Code, for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, or other warning and protective devices shall be used at such times and places as are reasonably required for the safety of the members of the public.
2. **Restoration.** A Company shall, at no expense to the City and in a manner approved by the superintendent, restore any damage to or disturbance of City property resulting from the Company's operations, or construction, reconstruction, erection, relocation, or repair on the Company's behalf, so that the City property is in as good a condition as before the work was commenced. The Company shall guarantee and maintain such restoration against defective materials or workmanship for a period of two (2) years. Because of impending work by the City or another public utility, the superintendent and the Company may agree to a less stringent arrangement.
3. **Relocation.** A Company shall, at no expense to the City, protect, support, temporarily disconnect, relocate or remove temporarily or permanently, any of its facilities when, in

the opinion of the superintendent, the same is required by reason of traffic condition, public safety, street vacation, street construction, change or establishment of street grade, installation of storm sewers, sanitary sewers, drains, water pipes, natural gas pipelines, power lines, signal lines, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies whether acting in a governmental or proprietary capacity, and any general program under which the City shall undertake to cause all such facilities to be located underground.

4. Location and exposure. If requested to by the superintendent because of impending construction, reconstruction, or maintenance, a Company shall locate and expose any of its underground facilities, at no cost to the City. In an emergency situation the Company shall immediately locate and expose the facilities. In a routine situation the Company shall locate and expose the facilities within twenty-four (24) hours of the superintendent's request. No construction permit shall be required for work under this paragraph.
5. Moving buildings. A Company shall, on the request of any person holding a building moving permit issued by the City, temporarily move any of its facilities to permit the moving of buildings. The expense of such temporary moves shall be paid by the person requesting the same. A Company shall be given not less than three (3) days advance notice to arrange for such temporary moves of its facilities.

TITLE VI PHYSICAL ENVIRONMENT

