

ORDINANCE NO. 08-12

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
KEIR A. SCOUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Dart

I SECOND the foregoing motion: Council member Leifson

ORDINANCE No. 08-12

AN ORDINANCE AMENDING THE MUNICIPAL CODE CONCERNING STORM WATER, ENERGY, AND CREATING A TELECOMMUNICATIONS UTILITY

WHEREAS, Spanish Fork City has adopted an ordinance creating a storm water utility, with regulations; and

WHEREAS, amendments to the storm water regulations need to be made in order to treat all property owners fairly and in a consistent manner, since all properties benefit from the storm water system, consisting of streets, curb and gutter, piping, sumps, and open ditches; and

WHEREAS, Spanish Fork City has also created an energy utility which contains both electric power and telecommunications; and

WHEREAS, the growth of the City dictates that electric power and telecommunications should be separate utilities; and

WHEREAS, it is appropriate to amend the energy utility chapter of the municipal code to make

it an electric utility and to create a new chapter of the municipal code for a telecommunications utility;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork Municipal Code Title 13, Chapter 44, "Energy Utility" is hereby amended to rename the chapter as "Electric Utility" and make other changes as follows:

Chapter 13.44 Electric Utility

- 13.44.010 Created - Supervision**
- 13.44.020 Right of Entry**
- 13.44.030 Contract for Service**
- 13.44.040 Utility Rules and Regulations**
- 13.44.050 Service Rates**
- 13.44.060 Damage to Property - Interruption of Service - Liability**
- 13.44.070 Willful or Malicious Damage**
- 13.44.080 Installations**
- 13.44.090 Net Metering**
- 13.44.100 Violation-Penalty**

13.44.010 Created - Supervision

A. There is hereby created an electric utility known as Spanish Fork Electric, which shall be a division of the Public Works Department. The electric utility shall provide electric power to the residents of the City.

B. Electric and electronic wiring, cabling and other equipment installed by or at the direction of the electric utility for the distribution of electrical power shall be the property of the City.

13.44.020 Right of Entry

A. Employees or agents of the electric utility shall have the right to enter upon any premises at all reasonable hours for the purpose of reading the electric meter thereon. All other inspections, for whatever purpose, shall be made in accordance with chapter 1.08 on right of entry for inspection.

B. Each electric service user shall keep each meter freely accessible to employees of the electric utility for the purpose of reading said meter and shall not obstruct access to said meter in any manner whatsoever, including but not limited to obstructions or inaccessibility caused by buildings, fences, gates, enclosures or any structure of any kind, or by dogs or other animals.

C. In addition to any penalty imposed by this chapter, any employee of the electric utility may disconnect the electric power to any user who obstructs or makes inaccessible or who allows to be obstructed or to become inaccessible any electric meter.

13.44.030 Contract for Service

Every person desiring to obtain electric service from the City shall contract therefore in writing upon blanks furnished by the City. The contractual form may be the same form used to obtain other municipal services.

13.44.040 Utility Rules and Regulations

A. All persons or entities desiring to purchase electric services from Spanish Fork City shall do so in conformity with such rules and regulations as shall be adopted by the City. Regulations shall specify methods and conditions of application of service, methods and conditions of rendering service, procedures for payment for services rendered, procedures and methods for termination of service, and all other matters incident to or related to the operation of the electric utility by Spanish Fork City.

B. Spanish Fork City will maintain its electrical lines in accordance with accepted utility practices in order to minimize power outages, protect persons and property from dangerous conditions, and provide a safe working environment for its employees.

C. Spanish Fork City has the right to go upon private property where it has easements, either formal or prescriptive, in order to trim trees and other vegetation to keep them from interfering with the electrical lines. Tree and vegetation trimming does not have the purpose of being aesthetically pleasing, but will be for the purpose of maintaining safe and reliable power lines. The scope of any trimming will be at the sole discretion of Spanish Fork Electric and will be based upon line voltage, transformers and other equipment, and the type of trees or vegetation involved and their propensity for rapid growth. If a tree should need to be removed, the City will still advise and work with the property owners, but removal will ultimately be the responsibility of the owner, unless the tree or vegetation is in the public right-of-way. In such an event the City will decide and may proceed to remove a tree or vegetation. The City may top a tree if a property owner fails to timely remove it. The City will not trim around lines feeding a residence from a transformer. The property owner shall be responsible for that trimming. Failure to trim will subject the property owner to damages if the growth causes an outage and the property owner shall not be eligible to receive any reimbursement from the City, or its subcontractors or suppliers for damage to the owner's property due to their failure to trim trees or other vegetation.

13.44.050 Service Rates

All users of electric services from Spanish Fork Electric shall pay such rates as shall be established from time to time by resolution of the city council. In addition to adoption of a resolution, adoption of rates may also occur with the passage of the annual or interim budgets containing the rates to be charged.

13.44.060 Damage to Property - Interruption of Service - Liability

All consumers of electrical services shall be responsible for all damages to or loss of property belonging to the City located on such consumer's premises unless occasioned by cause beyond their control or by the negligence of the electric utility. The electric utility shall not be responsible for any interruption or failure to supply electricity. Nothing in this chapter shall be construed to relieve or lessen the responsibility of any person owning, operating or installing cabling, wires, fixtures, appliances, apparatus, construction or equipment for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the city or any agent thereof be held as assuming any liability by reason of the inspection authorized herein or any approval resulting from inspections by any City inspector.

13.44.070 Willful or Malicious Damage

A. It is a Class B Misdemeanor for any person to willfully or maliciously cut, break or remove the insulation from any electrical wire in use in said system.

B. It is a Class B misdemeanor for any person to willfully or maliciously:

1. Intercept the transmission of electric services of the system without applying or paying therefore;
2. To use or obtain by any means or device any electronic signal or electric current except through a meter or other device regularly installed and approved by the electric utility.
3. Reconnect to or use services from said system after electrical services have been disconnected for nonpayment of services rendered, or for violation of any established rule or regulation of the electric utility of the City or for any violation of any duly enacted ordinance pertaining thereto.

C. It shall be a Class B misdemeanor for any person to:

1. Cut, break or throw down any of the poles owned by the electric utility;
2. Willfully destroy the insulation of said system or any part thereof by the attachment

- of a ground wire or other contrivance;
- 3. Injure, molest or destroy any property or materials appertaining to said system;
- 4. Interfere with the use of said system or obstruct or postpone the transmission of services of said system or to procure or advise any such injury;
- 5. Perform, procure or advise the performance or procurement of any said listed acts.

13.44.080 Installations

A. All installations related to the electric utility shall comply with all applicable codes adopted by the City and shall comply with all licensing and inspection ordinances now or hereafter adopted by the City, including the design and development standards.

B. Electrical installations shall be subject to the inspection and approval of a City building inspector before any building or structure in which said electrical wiring is installed shall receive service through the City electrical system.

C. A City building inspector may require the removal of any flooring, wallboard, paneling, ceiling materials, encasement or any and all construction materials covering or obstructing free access or view of any electrical wiring or device which has not been inspected and received inspector's approval. A City building inspector shall not approve any electrical wiring which has not been visually or otherwise inspected. The expenses of the removal and reinstallation of any materials undertaken pursuant to this section shall be borne by the owner or builder of said building or structure.

13.44.090 Net Metering

A. Spanish Fork City allows customer owned grid connected electric generating systems (net metering) based upon the requirements and standards of this section, provided that the total energy generated by customer owned systems pursuant to this ordinance shall not exceed one percent (1%) of the average total energy load within the City for the three preceding fiscal years. Net metering allows for interconnected non-utility- owned electric generation to be connected for parallel operation with the electrical system of Spanish Fork Electric.

B. Net metering will be allowed to interconnect with Spanish Fork Electric's electrical distribution system at a service level voltage only after determination by Spanish Fork Electric that such interconnection will not interfere with the operation of the distribution circuit and ensures the safety of the electric utility employees and customers.

C. Interconnection Requirements

1. Customer shall comply with all the latest applicable National Electric Code (NEC) requirements [NEC Articles 690 and 705], National Electrical Safety Code (NESC) requirements, State of Utah requirements, building codes, and shall obtain building permit(s) for the equipment installation.

2. Meter and transformer or transformer pole serving the Customer-Generator shall be labeled to indicate potential electric current back feed. Spanish Fork Electric will provide and install labels when Customer-Generator's electric system is approved for interconnection.

3. Customer shall provide space for metering equipment and meter base as per Spanish Fork Electric requirements.

4. Customer's over-current device at the service panel shall be marked to indicate power source and connection to Spanish Fork Electric's distribution system.

5. The Customer shall assume the full responsibility for all maintenance of the generator and protective equipment and keeping of records for such maintenance. These records shall be available to Spanish Fork Electric for inspection at all times.

6. Customer's power production control system shall comply with NEC Articles 690 and 705; and applicable and current Institute of Electrical and Electronics Engineers (IEEE) Standards including Standard number 1547 "Interconnecting Distributed Resources with Electric Power Systems"

for parallel operation with Spanish Fork Electric; in particular the following:

- a. Power output control system shall automatically disconnect from Spanish Fork Electric's source upon loss of voltage and not reconnect until Spanish Fork Electric's voltage has been restored for at least five (5) minutes continuously.
- b. Power output control system shall automatically initiate a disconnect from Spanish Fork Electric source within six (6) cycles if Customer's voltage falls below 60 Volts rms to ground (nominal 120 V rms base) on any phase.
- c. Power output control system shall automatically initiate a disconnect from Spanish Fork Electric's system within two (2) seconds if the voltage rises above 132 Volts rms phase to ground or falls below 104 Volts rms phase to ground (nominal 120 V rms base) on any phase.
- d. Power output control system shall automatically initiate a disconnect from Spanish Fork Electric's system within three (3) cycles for any reverse power flow condition.

7. Customer shall provide a written description of how the protection devices will achieve compliance with the requirements of this policy as part of the Building Permit Application.

8. Customer shall furnish and install on customer's side of the meter, a UL-approved safety disconnect switch which shall be capable of fully disconnecting the Customer's generating facility from Spanish Fork Electric's electric system. The disconnect switch shall be located adjacent to Spanish Fork Electric's meters and shall be of the visible break type in a metal enclosure which can be secured by a padlock. The disconnect switch shall be accessible to Spanish Fork Electric personnel at all times.

9. Additional Metering: For purposes of gathering research data, Spanish Fork Electric may, at its expense, install and operate additional metering and data-gathering devices.

10. **Solar Photovoltaic Equipment** shall be in compliance with Underwriters Laboratories (UL) 1741, *Standard for Static Inverters and Charge Controllers for Use in Photovoltaic Systems*; UL 1703, *Standard for Safety: Flat-Plate Photovoltaic Modules and Panels*; and IEEE 1262-1995, *Recommended Practice for Qualification of Photovoltaic (PV) Modules*; and the solar system shall be installed in compliance with IEEE Standard 929-2000, *Recommended Practice for Utility Interface of Photovoltaic Systems*.

11. Wind turbines shall meet the requirements of Spanish Fork Municipal Code §15.3.24.090(H)(C).

D. Safety

All Safety and operating procedures for joint use equipment shall be in compliance with the Occupational Safety and Health Administration (OSHA) standard 29 CFR 1910.269, the NEC, the NESC, State of Utah rules, City standards, and equipment manufacturer's safety and operating manuals.

E. Guidelines For System Diagrams

A system diagram or schematic must be submitted with a building permit application. The required System Diagram is one of the most important parts of the application for interconnection. The system diagram is used by Spanish Fork Electric during the review and approval process, and again during field testing and meter installation. The diagram is a permanent record copy of the system and is filed at Spanish Fork Electric for reference.

Discrepancies between the diagram and the actual installation as built are cause for rejection at the final testing and net meter installation.

The System Diagram can be anything from a One-Line, to a Schematic, to a complete Wiring Diagram that shows every wire and every connection throughout. Any of these are acceptable as long as the minimum key information is included. Spanish Fork Electric has the discretion to reject the diagram submitted and require a specified format. The diagram does not need to be overly complex, but accuracy and clarity are critical. At a minimum, the System Diagram must show how the

components of the customer generator system are connected electrically. Additional information, such as equipment part numbers and physical locations, should also be included on the diagram. Some of this additional information may be contained in the application forms as well, but documenting it on the System Diagram provides a single complete reference for the project and speeds the engineering reviews and field work.

Some systems have more complex requirements for interconnection and will require much more significant design drawings for review and approval.

The System Diagram should provide the information as described below:

- i. Generator (PV Panels, Wind Turbine, Hydro Turbine, etc.) - Include manufacturer, part number, nameplate maximum capacity (kW), and physical location. For modular systems (e.g. pv panels), also include: number of modules, configuration, nameplate maximum capacity of each module, and total nameplate maximum capacity.
 - ii. Inverter - Include manufacturer, type or series, part number, serial number, nameplate maximum capacity (kW), output voltage, physical location.
 - iii. Disconnect Switch - Include the physical location relative to the Spanish Fork Electric service meter.
 - iv. Electrical Service Panel -Include the panel or main breaker size and the position at which the generation is connected. Show all panels (if there are multiple panels or subpanels) even if not directly connected into the generation system.
 - v. Spanish Fork Electric Service Meter - Include existing meter serial number, meter form, and class.
 - vi. Other Related Equipment (battery banks, transfer or bypass switches, backup generators, etc.).
- F. License Approval

1. Each customer desiring to engage in net metering must enter into a net metering license agreement as prepared by Spanish Fork City. The license agreement will contain additional conditions to maintain the integrity and reliability of the Spanish Fork Electric system and/or conditions deemed necessary to maintain the health, safety, and welfare of the residents and employees of the City.

2. The license agreement application shall be accompanied by the design or schematic required by this section, together with a filing fee in the amount of \$500.00. Adjustments to the amount of the fee may be made by the City Council in the annual budget, or by resolution.

3. The license may be revoked for violations of any of the terms of the license agreement or for violation of any of the terms of this section.

G. Temporary Connections

This section shall not apply to the temporary generation of electric energy for emergency or standby purposes, except as noted below.

1. All emergency or standby generation shall not be interconnected with Spanish Fork Electric's system at any time. A positive, physical means of transferring and separating loads between normal and alternate sources of supply must be used to prevent inadvertent interconnection.

2. All emergency or standby generation shall comply with the provisions of the latest revision of the National Electric Code and National Electrical Safety Code.

13.44.100 Violation - Penalty

A. Unless otherwise specifically provided, every person who violates any provision of this chapter is guilty of a Class C misdemeanor.

B. Each day that a violation of any provision of this chapter continues constitutes a separate and distinct offense.

II.

Spanish Fork Municipal Code, Title 13, Chapter 46, "Storm Water Drainage Utility" is hereby amended as follows:

Chapter 13.46 Storm Water Drainage Utility

- 13.46.010 Created
- 13.46.020 Definitions
- 13.46.030 Rates
- 13.46.040 Obstruction of Facilities
- 13.46.050 Dumping
- 13.46.060 Violation - Penalty

13.46.010 Created

The City shall provide storm water drainage facilities to the residents of the City. The storm water drainage facilities shall be maintained and administered by a storm water drainage utility.

13.46.020 Definitions

The following definitions are applicable to this chapter:

- A. **Developed Parcel.** Developed Parcel shall be all property which is altered from a natural state by grading, paving, compaction, construction of structures, impervious surfaces, or drainage works so that storm water runoff from the properties is changed in quantity, quality, or point of discharge from that which would occur in its natural condition.
- B. **Equivalent Service Unit or ESU** represents the amount of impervious surface in the average residential lot within the City, determined to be 3,956 square feet based on the average lot size of 9,086 square feet.
- C. **Impervious Surface** is any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rate of flow than the natural surface. Common impervious surfaces include, but are not limited to, roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, and other similar structures and/or surfaces.
- D. **Retention/Detention Basin** shall mean a depression, designed with an inlet and outlet that regulates water flow and allows debris to settle out, and is capable of detaining or retaining storm water runoff until it can be released without causing damage down stream.
- E. **Storm Water** means precipitation such as rain, snow, hail, or other natural occurrence.
- F. **Storm Water Run Off** is water that is generated by storm water which flows overland.
- G. **Sump** means a formalized underground structure surrounded by drain rock, that acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps generally receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc.
- H. **Storm Drain Pipe** means a closed conduit for transmitting storm water that has been collected by inlets or collected by other means.
- I. **Storm Drain Ditch** means an open conduit for transmitting storm water that has been collected or routed by inlets, curb and gutter, or other means.
- J. **Drain Inlet** means a point of entry into a sump, detention/retention basin, or storm drain pipe or ditch.
- K. **Debris** means any dirt, rock, sand, tree, grass clippings, or other rubbish, litter, etc.

- 13.46.030 Rates**
- A. All Developed Parcels shall pay a monthly storm drain fee. All single and multi-family residential parcels shall be assessed one ESU per dwelling unit. All other developed parcels will be assessed the number of ESU's on the parcel, with a minimum of one ESU.
 - B. The rates are to be established each year by the City Council, which may be set as part of the annual budget approval process.
- 13.46.040 Obstruction of Facilities**
- A. It is unlawful for any person to obstruct or contribute to the obstruction of the flow of storm water runoff or non-storm water runoff into any sump, retention basin, storm drain, storm drain ditch, curb and gutter, drain inlet, or other associated structural controls that convey storm water and/or non-storm water runoff.
 - B. It is unlawful for any person to cause any obstruction that inhibits the normal flow of storm water and/or non-storm water runoff in any curb and gutter, unless the obstruction is associated with a street and/or storm drainage improvements project and is authorized by the Public Works Director, or his/her appointee, and granted with the issuance of a permit signed by the Public Works Director, or his/her appointee.
 - C. It is unlawful for any person to cover over any drain inlet for any reason or purpose.
- 13.46.050 Dumping**
- A. It is unlawful for any person to dump, or allow to be dumped into any sump, detention basin, storm drain, curb and gutter, drain inlet, storm drain ditch or other storm drainage structure that conveys storm water and/or non-storm water, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.
 - B. The restrictions as set forth in paragraph A shall not apply to the normal runoff of non-storm water related to domestic home uses; for example, lawn watering, washing cars, etc.
- 13.46.060 Violation -Penalty**
- A. Unless otherwise specifically provided, every person who violates any provision of this chapter is guilty of a Class C Misdemeanor.
 - B. Each date that a violation of any provision of this chapter continues constitutes a separate and distinct offense.

III.

Spanish Fork Municipal Code, Title 13 Chapter 48, "Telecommunications Utility" is hereby created as follows:

Chapter 13.48 Telecommunications Utility

- 13.48.010 Created - Supervision
- 13.48.020 Right of Entry
- 13.48.030 Contract for Service
- 13.48.040 Utility Rules and Regulations
- 13.48.050 Service Rates
- 13.48.060 Damage to Property - Interruption of Service - Liability
- 13.48.070 Willful or Malicious Damage
- 13.48.080 Installations

13.48.090 Telecommunications Competition
13.48.100 Violation-Penalty

13.48.010 Created - Supervision

A. There is hereby created a telecommunications utility known as Spanish Fork Community Network (SFCN).

B. SFCN is authorized to construct and operate a telecommunications system and to furnish, provide, and sell competitive telecommunications services to the residents of Spanish Fork City, including, but not limited to, internet services, cable television, telephony, data transmission and other telecommunications related services.

C. SFCN is hereby granted authority to construct, own, purchase, hire, lease, maintain, and operate all aspects of the telecommunications system within the City. SFCN may enter into operation, management, license, joint construction, or other agreements with cable television providers, internet service providers, local telephone exchange carriers, and/or other telecommunications companies in order to provide quality telecommunications services to its subscribers.

D. Residents of the City, where such services are available, may subscribe to such telecommunications services as may be offered by the City, or may elect to not subscribe for such services. Subscribers will be bound by the requirements of the subscription contract.

E. Fiber and/or electronic cabling and other equipment installed by or at the direction of SFCN for the distribution of telecommunications services shall be the property of the City.

13.48.020 Right of Entry

A. SFCN personnel or their agents shall have the right to enter upon any premises subscribing to telecommunications services from the telecommunications utility at all reasonable hours for the purpose of auditing the demarc box. All other inspections, for whatever purpose, shall be made in accordance with chapter 1.08 on right of entry for inspection.

B. Each subscriber of telecommunications service shall keep each demarc box freely accessible to employees or agents of the telecommunications utility for the purpose of accessing said demarc box and shall not obstruct access to said demarc box in any manner whatsoever including, but not limited to, obstructions or inaccessibility caused by buildings, fences, gates, enclosures or any structure of any kind, or by dogs or other animals.

C. In addition to any penalty imposed by this chapter, any employee or agent of the telecommunications utility may disconnect the services to any service user who obstructs or makes inaccessible or who allows to be obstructed or to become inaccessible any demarc box.

13.48.030 Contract for Service

Every person desiring to obtain telecommunications from the City shall contract for the services in writing upon forms furnished by the city. The contractual form may be the same form used to obtain other municipal services.

13.48.040 Utility Rules and Regulations

A. All persons or entities desiring to purchase telecommunications services from SFCN shall do so in conformity with such rules and regulations as shall be adopted by the City. Regulations shall specify methods and conditions of application of service, methods and conditions of rendering service, procedures for payment for services rendered, procedures and methods for termination of service and all other matters incident to or related to the operation of the telecommunications utility by Spanish Fork City.

B. Spanish Fork City will maintain its facilities in accordance with accepted utility practices in order to minimize outages, protect persons and property from dangerous conditions, and provide a safe

working environment for its employees.

C. Spanish Fork City has the right to go upon private property where it has easements, either formal or prescriptive, in order to trim trees and other vegetation to keep them from interfering with the telecommunications cabling. Tree and vegetation trimming does not have the purpose of being aesthetically pleasing, but will be for the purpose of maintaining safe and reliable lines. The scope of any trimming will be at the sole discretion of SFCN, and will be based upon equipment and facilities present, and the type of trees or vegetation involved and their propensity for rapid growth. If a tree should need to be removed, the City will still advise and work with the property owners, but removal will ultimately be the responsibility of the owner, unless the tree or vegetation is in the public right-of-way. In such an event the City will decide and may proceed to remove a tree or vegetation. The City may top a tree if a property owner fails to timely remove it.

13.48.050 Service Rates

All users of telecommunications services from SFCN shall pay such rates as shall be established from time to time by resolution of the city council. Such resolution may be by passage of the annual or interim budgets containing the rates to be charged.

13.48.060 Damage to Property - Interruption of Service - Liability

All consumers of telecommunications services from SFCN shall be responsible for all damages to or loss of property belonging to the City located on such consumer's premises unless occasioned by cause beyond their control or by the negligence of the telecommunications utility. The telecommunications utility shall not be responsible for any interruption or failure to supply telecommunications services. Nothing in this chapter shall be construed to relieve or lessen the responsibility of any person owning, operating or installing cabling, wires, fixtures, appliances, apparatus, construction or equipment for damages to anyone injured or damaged either in person or property by any defect therein.

13.48.070 Willful or Malicious Damage

A. It is a Class B Misdemeanor for any person to willfully or maliciously cut, break or remove the insulation from any fiber optics cable in use in said system.

B. It is a Class B misdemeanor for any person to willfully or maliciously:

1. Intercept the transmission of telecommunications services of the system without applying or paying therefore;
2. Reconnect to or use services from said system after telecommunications services have been disconnected for nonpayment of services rendered, or for violation of any established rule or regulation of the telecommunications utility of the City or for any violation of any duly enacted ordinance pertaining thereto.

C. It shall be a Class B misdemeanor for any person to:

1. Cut, break or throw down any of the poles owned by the telecommunications utility;
2. Willfully destroy the insulation of said system or any part thereof;
3. Injure, molest or destroy any property or materials appertaining to said system;
4. Interfere with the use of said system or obstruct or postpone the transmission of services of said system or to procure or advise any such injury;
5. Perform, procure or advise the performance or procurement of any said listed acts.

13.48.080 Installations

All installations related to the telecommunications utility shall comply with all applicable codes adopted by the City and shall comply with all licensing and inspection ordinances now or hereafter adopted by the City, including the design and development standards.

13.48.090 Telecommunications Competition .

A. The City promotes and encourages competition for voice, data, video, and video programming services that make the latest and best technology available and which keep service prices affordable for all City residents and businesses.

B. The City will manage access to the public easements and rights-of-way for telecommunications purposes in a nondiscriminatory, competitively neutral and in a nonexclusive manner, and, to the extent allowed under applicable law, receive fair compensation therefore.

C. Telecommunications and video programming franchises and licenses will be managed to preserve the integrity of the City infrastructure, assure efficient use of City property, and ensure compliance with City ordinances, rules, and regulations. The following guidelines shall be in effect:

1. Minimal disruption of public and private property will be a priority;
2. Telecommunications and video programming franchises will be required to place their facilities underground in situations where existing utility services are underground and/or whenever existing overhead facilities go underground and/or whenever City policy so requires;
3. All construction and development standards of the City shall be followed.

D. Any franchise fees assessed against private businesses providing energy services shall have a like cost assessed against the telecommunications utility.

13.48.100 Violation - Penalty

A. Unless otherwise specifically provided, every person who violates any provision of this chapter is guilty of a Class C misdemeanor.

B. Each day that a violation of any provision of this chapter continues constitutes a separate and distinct offense.

IV.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 5th day of June, 2012.


G. WAYNE ANDERSEN, Mayor

Attest:


Kent R. Clark, City Recorder

