

VILLAGE OF CHENEQUA
Ordinance No. 2019-03-11-03 (g)

**AN ORDINANCE REPEALING SECTION 3.13 OF THE CODE AND RECREATING IT
AS SECTION 5.26 OF THE CODE**

WHEREAS, Ordinance No. 2019-03-11-03 provides for the recodification of Chapter 3 of the Code by amending and restating portions of Chapter 3; and

WHEREAS, the Village Board also desires to repeal and recreate certain sections of Chapter 3 in Code to update various terms, definitions and requirements as well as to relocate those sections to more appropriate Chapters of the Code; and


WHEREAS, the recreated Section 5.26 of the Village Code encourages rather than mandates underground utility facilities.

NOW, THEREFORE, BE IT ORDAINED, that Section 3.13 of the Village Code is hereby repealed and recreated as a new Section 5.26 as follows:

(The provisions of recreated Section 5.26 are attached as EXHIBIT A.)

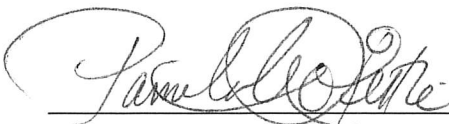
Adopted this 11th day of March, 2019.

VILLAGE OF CHENEQUA

By: 

Jo Ann F. Villavicencio
Village President

ATTEST:



Pamela Ann Little
Village Clerk – Treasurer

Date Adopted: March 11, 2019

Date Published: March 12, 2019

Effective Date: March 13, 2019

EXHIBIT A

(EXHIBIT A consists of the provisions of recreated Section 5.26 on file with the Village Clerk on the date of adoption.)

5.26 UNDERGROUND UTILITY FACILITIES ENCOURAGED.

(1) DEFINITIONS. Terms used in this Section shall have the following meanings:

- (a) *Electrical services.* The conductors and equipment for delivering energy from the electrical supply system to the wiring system of the premises served.
- (b) *Permanent electrical services.* Electrical services which are anticipated to remain in place or actually remain in place for more than ninety (90) days; provided, however, overhead services of a temporary nature which are installed to provide electrical service during construction, remodeling, renovation, repair or demolition of bridges, structures, equipment, or similar activities, or during emergencies or for tests or experiments relating to public safety, shall not constitute *permanent electrical services*.
- (c) *Underground utility facilities.* The conductors, cable, conduit and/or equipment necessary to transmit electrical or communications energy from the aerial or underground distribution system of the supplier to the main disconnect, junction, or protector panel in or on the customer's premises, including all electric, communications, signal and cable television facilities.

(2) PURPOSE. The Village Board does hereby declare it to be the public policy of the Village to favor underground utility facilities. The exercise of the police power to implement this public policy is based on the public benefit received including but not limited to, the following reasons:

- (a) Enhancing scenic, aesthetic and other recreational values;
- (b) Improving civic appearance;
- (c) Removing safety hazards which are a danger to pedestrians, motorists and wildlife;
- (d) Overcoming the threat of temporary loss of service due to high winds, ice, accident or equipment failure;
- (e) Protecting the integrity of trees and other vegetation; and
- (f) Eliminating damage to overhead lines and poles caused by vandalism, wildlife or accident.

(3) RELOCATION OF UTILITY LINES. Any property owner who desires or is required to relocate a utility servicing such owner's property is encouraged to install underground utility facilities.

(4) NEW CONSTRUCTION. Any building, sign, signal or structure hereafter constructed in the Village and requiring permanent electric service is encouraged to be constructed with underground utility facilities.

(5) REMODELING. Every existing building or structure requiring permanent electric service which is being remodeled and where the cost of such remodeling is estimated to exceed or actually exceeds fifty (50) percent of the assessor's full market value of said building or structure is encouraged to be remodeled with underground utility facilities.