

ORDINANCE NO. 120662

An Ordinance amending Section 5-2924 of Ordinance No. 76971 (Public Works Code) and adding a new section to Article 29 of said ordinance so as to establish a new underground wiring control district in the downtown area, and to separate regulation of such districts from the boundaries thereof.

The City of Portland ordains:

Section 1. The Council finds that the electric and telephone companies serving the citizens of the City of Portland have expressed their willingness to cooperate with the city and other utilities toward further enlargement and expansion of the core area of downtown Portland now included within underground wiring districts, generally described as Underground District "A," and Underground Control District "A;" that a program for such enlargement is highly desirable to beautify the city and to promote orderly development; that Underground Wiring Control District "B," as hereinafter described, is a logical area for underground facilities due to the adjacency of Underground District "A," Underground District "D," and Underground Control District "A," and the current trend toward replacement of the older residential and commercial structures in the area with modern buildings; that the change in the character of such area is resulting in congestion therein; that as a result of such growth, utility facilities within such area must be expanded; that as a part of such expansion of the utility plant and services in that area, an orderly program of conversion to underground wiring facilities should be followed to permit the most economical and expeditious means for providing underground utility facilities therein; that such an underground conversion program is necessary in such area in order to protect and promote the public health, safety and welfare; and that to provide such an orderly program, conversion to underground facilities should be completed within a ten year period; that by providing a ten-year period, the utilities affected will be permitted to determine with better accuracy the potential needs for service in such area; that such a program is in the public interest and will allow property owners who must provide on-premises facilities to take the underground service, to coordinate such changes with the utility changes; that in order to permit easier amendment if new underground control districts are subsequently added, the regulatory provisions of the present Section 5-2924 should be separated from the boundaries and placed in a new and separate section; now, therefore, Section 5-2924 of Ordinance No. 76971, the Public Works Code, passed by the Council, as subsequently amended, hereby is amended to read as follows:

Section 5-2924. SPECIAL UNDERGROUND WIRING CONTROL DISTRICTS.

(a) The following described district designated as Control District "A" shall mean and include the streets within the following described perimeter:

Control District "A" -- Beginning at the south line of S.W. Madison Street and the west line of S.W. Harbor Drive; thence westerly along S.W. Madison Street to the west line of S.W. 7th Avenue (Broadway); thence northerly along said west line to the south line of S.W. Yamhill Street; thence westerly along said south line to the east line of the Oregon State Highway Commission right of way designated for the Stadium Freeway; thence southerly and southeasterly along said easterly line of said Stadium Freeway right of way to the center line of S.W. 4th Avenue (Underground District "D"); thence northerly along said center line of S.W. 4th Avenue to the northerly line of S.W. Market Street; thence easterly along said north line to the west line of S.W. Harbor Drive; thence northerly along the west line of S.W. Harbor Drive to the point of beginning.

(b) The following described district designated as Control District "B" shall mean and include the streets within the following described perimeter:

Control District "B" -- Beginning at the intersection of the south line of S.W. Madison Street extended to the west bank of the Willamette River; thence running in a northerly direction along said west bank of the Willamette River to its intersection with the south line of N.W. Broadway Avenue; thence westerly along the south line of N.W. Broadway Avenue to its intersection with the north line of N.W. Lovejoy Street; thence west along the north line of N.W. Lovejoy Street to a point where the east line of N.W. Park Avenue would intersect with N.W. Lovejoy Street if the said N.W. Park Avenue were to be extended to the north from its present termination point at N.W. Hoyt Street; thence southerly along a line one block east and parallel to N.W. 9th Avenue to the north line of N.W. Hoyt Street at the point where the east line of N.W. Park Avenue intersects with the said N.W. Hoyt Street; thence west along the north line of N.W. Hoyt Street to its intersection with the east line of the Oregon State Highway Commission right of way designated for the Stadium Freeway; thence south along the said east line of said Stadium Freeway right of way to its intersection with the north line of W. Burnside Street; thence east along the north line of W. Burnside Street to its intersection with the west line of N.W. Broadway Avenue; thence north along the west line of N.W.

Broadway Avenue to its intersection with the north line of N. W. Glisan Street; thence east along the north line of said N. W. Glisan Street to its intersection with the east line of N. W. Front Avenue; thence southerly along the east line of N. W. Front Avenue to its intersection with the south line of S. W. Madison Street; thence east along the south line of S. W. Madison Street extended to its intersection with the west bank of the Willamette River, the point of beginning.

Section 2. Article 29 of said Ordinance No. 76971, (Public Works Code) hereby is amended by adding thereto a new section to be numbered, entitled and to read as follows:

Section 5-2925. UNDERGROUND WIRING CONTROL DISTRICT REGULATIONS.

The following regulations shall apply to any special underground wiring control district:

(a) Hereafter it shall be unlawful for any person to install a new electric or telephone service entrance or make a major alteration of an existing electric or telephone service entrance within the said Control Districts without provision for the receiving of electric or telephone utility service through said service entrance from an underground facility to be maintained in the street area by the affected utility. The affected utility may elect to connect the underground service to feed from the existing overhead pole line until such time as the street, block, or part thereof, is converted to underground.

(b) On or before December 1 of each calendar year hereafter, each utility providing electric or telephone service within said Control District "A" and Control District "B" shall file with the City Council a listing of streets, blocks, or parts thereof, within said Control Districts scheduled to be converted during the following calendar year to underground facilities. Such schedule shall be placed on the Council Calendar and notice of a public hearing by the City Council upon said schedule shall be given as required by Section 2-113 of the Charter and Ordinance No. 77641. Such schedule shall be considered by the City Council and approved or amended as the City Council may find reasonable. However, said utilities may at any time file with the City Council amendments to said schedules, and, if the City Council finds that a proposed amendment should be allowed and that the proposed amendment does not affect the public generally, the proposed amendment shall be allowed without notice or hearing; but, if the City Council finds that the proposed amendment will affect the public generally, the same procedure shall be followed for notice and hearing as in the case of the original schedule filed with the City Council.

ORDINANCE No.

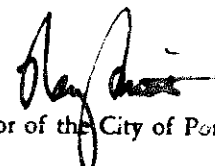
1. After such a determination of a conversion program, customers receiving service from streets scheduled for conversion shall be notified by the affected utility of its plan to proceed with such program during the particular calendar year. It shall be unlawful for any person to fail or neglect within sixty (60) days after notification by the affected utility of the completion of the conversion work on an approved street, block, or part thereof, to provide for receiving such service from the completed underground utility facility within the area approved for conversion, unless he discontinues such service. The property owner or such occupants shall provide all necessary wiring changes to their premises so as to receive service from the underground facilities in accordance with applicable utility tariffs, or other applicable schedule of charges on file with the Public Utility Commissioner of Oregon.
2. After the applicable calendar year of a scheduled Council approved conversion, it shall be unlawful for any electric or telephone utility to provide any permanent service in the area determined except from an underground facility, or to continue service from an overhead installation, except with special Council permission.
3. On or before December 31, 1973, all of Control District "A" shall be converted to underground utility facilities.
4. On or before December 31, 1974, all of Control District "B" shall be converted to underground utility facilities.

(c) No utility shall, within either of the Control Districts described in this section, impose any charge for conversion of its main facilities from overhead to underground, but said utilities shall not, by this subsection be required to provide any equipment or facilities or perform any installation or other work in connection therewith required of property owners and customers for receiving the utility service on their premises from an underground facility. Such affected utility may make such charges for equipment, facilities or installation on private premises as are specifically authorized by its effective tariffs.

Passed by the Council, JUL 8 - 1965


 PRESIDENT OF THE COUNCIL AND ACTING
 Mayor of the City of Portland

Attest:


 Auditor of the City of Portland

0210

Calendar No. ~~2221~~

ORDINANCE NO. 1210632

Title

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THURSDAY

Read 1 & 2 &

PASSED TO THIRD READING 2 P M JUN 8 - 1965

INTRODUCED BY
Commissioner Grayson

DRAWN BY
MCR/fg
Date June 14, 1965

NOTED BY THE COMMISSIONER

Affairs	
Finance	
Safety	
Utilities	
Works	

City Attorney

NOTED FOR CITY AUDITOR

APPROVED

Date	
By	City Engineer
Date	
By	

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schrank	1	

FOUR-FIFTHS CALENDAR

Bean	
Bowes	
Earl	
Grayson	
Schrank	

Filed JUN 24 1965

RAY SMITH

Auditor of the CITY OF PORTLAND

By: Robert C. DeLoe
Deputy