

## ORDINANCE NO. 117801

An Ordinance amending Article 29 of Ordinance No. 76971, Public Works Code, by adding a new section to establish a special underground wiring control district in the southwest district and fixing regulations pertaining thereto.

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 the expansion of the core area underground wiring district in an area of Southwest Portland, generally described as being bounded by existing Underground Districts A and D and the proposed Stadium Freeway; that a program for enlargement of the core area underground district is highly desirable to beautify the city and to promote orderly development; that this area is a logical area for underground facilities due to the adjacent existing underground Districts A and D and the current trend toward replacement of the older residential structures in the area with modern commercial and educational buildings; that the change in the character of the area is resulting in increased congestion within the area; that as a result of such growth, utility facilities in the area must be expanded; that as a part of such expansion of the utility plant and services in said area, an orderly program of underground conversion 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 this 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 the 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; now, therefore, Article 29 of Ordinance No. 76971, Public Works Code, passed by the Council April 2, 1942, as amended, hereby is amended by adding thereto a new section to be numbered, entitled and to read as follows:

## ARTICLE 29

## OVERHEAD AND UNDERGROUND WIRES

Section 5-2924. SPECIAL UNDERGROUND WIRING CONTROL DISTRICT.

(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) 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 Control District 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.

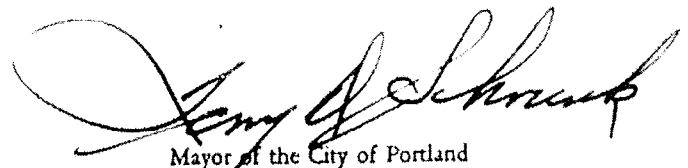
(c) On or before December 1 of each calendar year hereafter, each utility providing electric or telephone service within Control District A shall file with the City Council a listing of streets, blocks, or parts thereof, within said district scheduled to be converted during the following calendar year 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.

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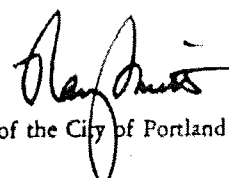
1. After such a determination of a conversion program, customers receiving service from streets scheduled for conversion shall be notified by the affected utility of its plan to proceed with such program during the particular calendar year. It shall be unlawful for any person to fail or neglect within 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.

(d) No utility shall, within the Control District 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.

Passed by the Council, DEC 19 1963

  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland

Calendar No. ~~1800~~ <sup>1439</sup>

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Title

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THURSDAY

PASSED TO THIRD READING DEC 19 1963

Filed DEC 5 1963

RAY SMITH

Auditor of the CITY OF PORTLAND

By *Robert C. Myle*  
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean		
Bowes		
Earl		
Grayson		
Schrunk		

FOUR-FIFTHS CALENDAR

Bean	
Bowes	
Earl	
Grayson	
Schrunk	

INTRODUCED BY  
**Commissioner Grayson**

DRAWN BY  
**MCR/fg**  
Date **November 27, 1963**

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities *AKS*

Works

City Attorney *AKS*

NOTED FOR CITY AUDITOR

*RA*

*G.C.*

APPROVED

Date

By **City Engineer**

Date

By