

## CHAPTER 116

# BURIAL OF TELEPHONE, CABLE TV AND TELECOMMUNICATION LINES

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**116.01 SHORT TITLE.** This chapter shall be known as the “Okoboji Telephone, Cable TV, and Telecommunication Distribution and Service Line Burying Ordinance” and may be so cited.

**116.02 PURPOSE.** The purpose of this chapter is to promote the public safety, health, and welfare of the City, and to facilitate the provision of telephone, cable TV, and telecommunication services within the City, and to provide a safe and soundly engineered system of telephone, cable TV, and telecommunication services for use by the public. As such, it is the purpose of this chapter to regulate and require within the City that all telephone lines, both distribution lines and private service lines, and all cable TV and other telecommunications lines, both distribution lines and private service lines, be placed underground. Individual property owners shall be responsible for the cost of burying the service line (calculated in running footage) from the point of contact of said service line with the distribution line, while the utility provider shall be responsible for the cost of burying the distribution lines. In consideration of its citizens, the City wishes to make certain no individual property owners would be made to bury a service line at a distance substantially greater than the present overhead service line distance (measured from the existing utility point of contact of the service line with the distribution line on the property owner's premises) due to any significant changes in the utility distribution system design occasioned by the placing of the same underground. The design standard for the installation of the new underground service line will be a direct route from the point of contact of the service line to the distribution line to the property owner's individual connection. Any deviation in the underground service line length from the design standard, if made at the property owner's request, will be at the property owner's expense. It is also the intent of this chapter that the utility service provider shall provide property owners with bids for the cost of burying service lines, the same to include open trenching, backhoeing, directional boring, plowing, and so forth. It is also the intent of this chapter that the utility service provider endeavor to work with the electrical utility service provider, all to the end that a single trench can be used in which to bury all utility service lines.

**116.03 SCOPE.** The provisions of this chapter apply to all property owners and residents within the City and to all utility providers providing telephone service, cable TV service, or other telecommunication services within the City.

**116.04 DEFINITIONS.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein.

1. “Commercial building” means a building used or rented for profit or compensation, except residential uses or purposes.

2. "Distribution lines" means the utility provider-owned main distribution lines to which individual service lines are connected to the individual residences or businesses.
3. "Private property" means property which is not owned by the public or which is not public right-of-way.
4. "Property owner" means the owner/owners of record of real property.
5. "Residence" means the building containing one or more dwelling units which are designed or used exclusively for residential purposes, but not including a tent.
6. "Service lines" means the actual lines providing each individual residence or business with telephone service, cable TV service, and/or telecommunication service.
7. "Utility service providers" means the providers of telephone, cable TV, and/or telecommunication utility services within the City.

**116.05 MODIFICATION.** Providers of telephone, cable TV, and/or telecommunication utility services within the City and property owners shall bury underground (or cause to be buried), within sixty (60) days of notification by certified mail from the City, distribution lines and private service lines to residences, commercial buildings, or other structures being served by the utility. The work must receive utility approval as to standards and routing. The expense of burying transmission lines shall be the responsibility of each utility service provider. The expense of burying service lines shall be the responsibility of the individual property owners.

**116.06 SPECIFICATIONS.** Underground service extensions shall be installed by the property owner in accordance with the standards established by the utility service provider. Connection of the service to the distribution system shall be made by authorized utility personnel.

**116.07 SERVICE CONNECTION TO DISTRIBUTION SYSTEM.** All service line connections and installations must meet the standards and rules applicable to State and national codes or other regulations governing the utility service provider. All utility easements requested by the utility to provide service to the individual property owners shall be obtained by the City, preferably in easement form, and if need be, through condemnation.

**116.08 PAYMENT OF COSTS; CHOICE OF CONTRACTOR.** Utility service providers will install the distribution lines. The property owner has the option to have the utility service provider install the service line as well. If the property owner chooses to have the utility service provider install the service line, all costs shall be provided by the property owner, upon submittal of an itemized billing from the utility service provider to the City, and thereafter remitted by the City to the utility service provider. The property owner also has the option of selecting a private contractor to install the service line. In the event the property owner chooses this option, an inspection fee in a reasonable amount shall be charged to the property owner to insure that the installation meets all State, national, and other applicable regulations and code requirements applicable to the utility service provider. The inspection fee shall be paid by the property owner upon submittal of an itemized billing from the utility service provider to the City and thereafter remitted by the City to the utility service provider.

**116.09 PROPERTY OWNER'S RESPONSIBILITIES.** In addition to the costs of placing service lines underground, the property owner shall be responsible for all related costs, including (but not limited to) those related to yard restoration, retaining wall restoration, siding or roof repair expense, service line conduit and fittings, and any service entrance upgrades requested by the property owner or required to make the connection. The property owner is also responsible for supplying all locations of personal underground utilities (e.g., sprinkler systems), and any damage incurred to these systems shall not be the responsibility of the utility service provider.

**116.10 PENALTY FOR FAILURE TO COMPLY.** A failure by a property owner or utility service provider to comply with the provisions of this chapter, after notification by the City Administrator, shall constitute a municipal infraction, for which provision is made at Section 364.22, *Code of Iowa*. The City Administrator is authorized to enforce this chapter and may issue a civil citation and, may, on behalf of the City, seek alternative relief to include correction or abatement of the violation of this chapter and assessment of the cost of said abatement or correction against the property where the violation occurred, all as set forth at Section 364.22(8) and (9) of the *Code of Iowa*.