

**CITY OF FAIRFIELD**

**ORDINANCE NO. 2021-15**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD  
AMENDING SECTION 7.5 AND SECTION 7.11 OF THE FAIRFIELD MUNICIPAL CODE TO REQUIRE  
UNDERGROUNDING OF TRANSFORMERS WITHIN THE TRAIN STATION SPECIFIC PLAN AREA**

**THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 7.5 "Required; exceptions," of Chapter 7, "Electricity," is hereby amended to read as follows:

**"7.5 Required; Exceptions.**

All transformers located within the Train Station Specific Plan area, as defined in Section 25.28.7(K), shall be enclosed within subsurface vaults, if the transformers are appurtenant to underground facilities and are located within a front or side street setback.

Public or private utility, transmission or distribution lines, wires or cables, to be installed within and for the purpose of serving new subdivisions and all other undeveloped or redeveloped parcels of land shall be placed underground. There shall be no poles, overhead wires or associated overhead structures installed except poles without overhead wires used exclusively for street lighting, fire alarm boxes or other municipal equipment installed under supervision of and to the satisfaction of the director of public works. The subdivider or developer shall be held responsible to make the necessary arrangements with the utility companies. This section does not apply to:

- a. High voltage transmission lines transmitting electricity of fifty thousand volts or more.
- b. Equipment outside of the Train Station Specific Plan area boundaries and appurtenant to underground facilities, such as pedestal mounted terminal boxes meter cabinets, and concealed ducts.
- c. Wires attached to the exterior walls of a building for the purpose of interconnecting communication facilities within the building.

The City Council may grant special permission on such terms as it may deem appropriate for installation of the "streamlined" underground electrical distribution system, and in cases of emergency or extreme hardship without discrimination as to any person or utility company to erect, construct, install, maintain, use, or operate poles and overhead wires and associated overhead structures notwithstanding any other provisions of this article.

Application for such special permission shall be filed with the director of public works and shall be transmitted by the city manager to the council, along with any recommendations which he may have concerning the granting or denial of such application.”

**SECTION 2.** Section 7.11 “Exceptions Emergency or Unusual Circumstances,” of Chapter 7, “Electricity,” is hereby amended to read as follows:

**“7.11 Exceptions Emergency or Unusual Circumstances**

The council may grant special permission, on such terms as the council may deem appropriate, in cases of emergency or unusual circumstances without discrimination to any person or utility, to erect, construct, install, maintain, use, or operate poles and overhead wires and associated overhead structures, notwithstanding any other provisions of this article. The grant of such special permission may include, but need not be limited to, the right to erect, construct, install, maintain, use, or operate an electric distribution system consisting of metal poles supporting high voltage wires, switches, transformers, and streetlights, with all other facilities for the supplying and distribution of electric energy and service placed underground.

The council may waive the undergrounding requirements of Section 7.5 for all or portions of the proposed electrical utilities, and any related appurtenances, if unusual topographical, soil, or any other conditions make such underground installations unreasonable or impracticable, in accordance with the following procedure:

- a. The affected developer or utility company shall submit information supporting a request for such a waiver.
- b. Adequate final construction documents and information, as required by the City Engineer, shall be furnished and approved by a design professional.
- c. A determination shall be made in conjunction with council approval of the relevant improvement agreement, which includes proposed electrical utility infrastructure.”

**SECTION 3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4.** Based on information presented by staff, the council has determined that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Sections 15304(f) and 15303(d) because this ordinance shall apply to minor trenching and backfilling for utilities.

**SECTION 5.** This ordinance shall be effective 30 days following its adoption by the council. A summary of this ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the councilmembers voting for and against it.

**INTRODUCED** at a regular meeting of the City Council of the City of Fairfield on the 6<sup>th</sup> day of July 2021, and

**PASSED AND ADOPTED** this 20<sup>th</sup> day of July, 2021, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: Councilmembers: \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

ABSTAIN: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK