

ORDINANCE O20XX-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, ADDING NEW CHAPTER 13.34 TO ESTABLISH A NEW OPEN TRENCH / JOINT TRENCH FIBER STANDARD FOR UNDERGROUNDING UTILITY DISTRIBUTION FACILITIES

WHEREAS, the City Council on March 18th, 2018, approved the Fiber Infrastructure Development Strategy that promoted the creation of policy to facilitate ease of fiber deployment in the future and diversification of providers; and

WHEREAS, the City contracted with O'Dell Engineering to develop an Open Trench - Joint Trench Fiber Standard For Undergrounding Utility Distribution Facilities and add it to the City of Manteca's Municipal Code Title 13 Public Services section; and

WHEREAS, Manteca Municipal Code Section 13.34.010 to 13.34.030 outline new requirements for the undergrounding of utility distribution facilities along with additions/changes to the City's Standard and Specifications document as outlined in attachment 2; and

WHEREAS, Title 13 Public Services did not have a provision specifically addressing fiber conduit and dedicated distribution facilities for City use; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment. Manteca Municipal Code Chapter 13.34 is hereby added to Title 13 Public Services to read as follows as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

ATTACHMENT 1

City of Manteca, a municipal corporation

MAYOR: _____
BENJAMIN J. CANTU

ATTEST: _____
LISA BLACKMON, CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Lisa Blackmon, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ___ day of ____, 20__, and had its second reading and was adopted and passed during the public meeting of the City Council on the ___ day of ____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
LISA BLACKMON
City Clerk

EXHIBIT "A"

**Chapter 13.34
Undergrounding Utility Distribution Facilities**

Sections:

13.34.010 Purpose and Scope

13.34.020 Definitions

13.34.030 Undergrounding utility distribution facilities

13.34.010 Purpose and Scope.

- A. The City desires to increase the diversity of fiber providers in the City and increase the ease of broadband service access to businesses and citizens. To this end, the City has adopted this Open Trench – Joint Trench Fiber Standard for Undergrounding Utility Distribution Facilities.
- B. This standard will allow for the placement of dedicated conduit assigned to the City for future fiber deployments and will create a city owned conduit network across the city.

13.34.020 Definitions.

For the purposes of this chapter, the following words and definitions shall have the meanings respectively ascribed to them by this section:

- A. "Abutting streets" shall mean on the same side of the abutting street as the property being developed, not the other side of the street.
- B. "Facility" or "facilities" shall include, but not be limited to, any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by an owner or person, that are located or are proposed to be located in the public right-of-way.
- C. "Right-of-way" shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, spaces, streets, and ways within the City, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the Department of Public Works.
- D. "Standards" shall mean the type, size, and quantity of conduits, the size and frequency of pull boxes, and any other facilities that the City of Manteca determines are necessary to serve the City's communications needs.
- E. "Street" means and includes all or any part of the entire width of right-of-way or property whether or not such entire area is used for street purposes. Street, as used in this chapter, also refers to city-owned alleys and parking lots.
- F. "Television services" shall mean all methods of transmitting video, shows, programs that can be watched by viewers on any screen type.
- G. "Utility distribution facilities" shall mean facilities including but not limited to

electric, communication, street lighting, and advanced technology systems installed in and for the purpose of supplying service to any development.

- H. "Advanced technology systems" shall mean all necessary appurtenances, equipment and facilities required for the provision of Internet, computer, fiber optic, television services, telephone, and other communication service within the public right-of-way and upon private property. The design, installation, inspection and testing requirements of said system shall be in accordance to in the City of Manteca Standards.

13.34.030 Underground utility distribution facilities

A. General Provisions.

1. Utility distribution facilities, including but not limited to electric, communication, street lighting, and advanced technology systems installed in and for the purpose of supplying service to any development, shall be required to be placed underground. Advanced technology systems shall be defined as: all necessary appurtenances, equipment and facilities required for the provision of Internet, computer, fiber optic, television services, telephone, and other communication service within the public right-of-way and upon private property. The design, installation, inspection and testing requirements for the City acceptance of said system shall meet the minimum requirements as outlined in the City of Manteca standards as approved by the City Engineer. The developer shall also dedicate to the City that portion of the conduit within the public right-of-way or the public utility easement.
2. All existing facilities except transmission facilities either along abutting streets or within a development shall also be underground at the time of development. Along abutting streets shall mean on the same side of the abutting street as the property being developed, not the other side of the street.
3. All crossings at existing streets shall be accomplished by horizontal directional boring unless open cut trenching, or other method of trenching, is approved by the City of Manteca.
4. The developer is responsible for complying with all requirements of this subsection, and shall make the necessary arrangements with the utility companies for the installation of such facilities.

B. Electric, Communication, Street Lighting, and Advanced Technology Systems.

All costs of placing existing or new facilities, required to underground by the developer, shall be paid for by the developer subject to the current California Public Utility Commission rules and regulations.

C. Advanced Technology Conduit Systems.

1. For a 60' or wider right-of-way, the developer shall design, install, proof, tag, and dedicate to the City a minimum of two 4" system conduits, with four 1" innerduct in one conduit and leaving the second conduit vacant, within the public right-of-way or public utility easement. The developer shall install, in one of the conduits, a fiber optic conduit system designed to serve the subject development for use by the City of Manteca or one of its service providers. The

ATTACHMENT 1

- fiber optic conduit system shall be installed in accordance with the City of Manteca standards and approved by the City Engineer. The second conduit shall remain empty and shall be reserved to serve the subject development for the use of a City service provider not wishing to utilize the City's fiber optic system. Both conduits shall be installed to each lot line. The developer shall bear all design construction, inspection, and testing associated with these underground requirements. Furthermore, the developer shall design, install, test and dedicate to the City all necessary components of the advanced technology system as depicted in the City of Manteca standards.
2. The developer shall design, install, proof, tag and dedicate to the property owner two advanced technology system conduits, size to be determined, to connect the public advanced technology system to the individual home or building. The developer shall install, in one of the conduits, a fiber optic system designed to serve the subject property. The fiber optic system shall be installed in accordance with the City of Manteca standards and approved by the City Engineer. The second conduit shall remain empty and shall be reserved to serve the subject property for the use of a City service provider not wishing to utilize the City's fiber optic system. The developer shall bear all design, construction, inspection, and testing costs associated with these underground requirements.
 3. The television services or advanced technology company provider that elects to install facilities in the City's vacant conduit shall provide design plans and as-built construction plans to the developer and City of Manteca, in whatever digital form the city request. The service provider shall also inspect the facilities and certify the City prior to final approval of the development and television facilities or advanced technology systems are properly installed and serviceable. The design and installation shall meet the minimum criteria as outlined in the City of Manteca standards.