

THE VILLAGE OF TAOS SKI VALLEY

ORDINANCE NO. 2015-51 AN ORDINANCE ADOPTING REGULATIONS REQUIRING UNDERGROUND ELECTRICAL UTILITY SERVICE

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY (HEREINAFTER "THE VILLAGE"):

SECTION 1: GENERAL PROVISIONS

SECTION 1-1. TITLE

This ordinance shall be known as the Underground Electric Utility Connection Ordinance.

SECTION 1-2. JURISDICTION

The provisions of this Ordinance are applicable to all lands, properties and structures within the Village of Taos Ski Valley.

SECTION 1-3. PURPOSE

The proximity of overhead electrical service lines to the forest environment within and about the community of the Village of Taos Ski Valley presents an impending threat to the health and welfare of the Village's citizens and visitors. Accordingly, the purpose of this Ordinance is to reduce the potential for wildfire that can occur when overhead service lines come into contact with trees by mandating the elimination of overhead electrical service and requiring the conversion to underground service for all properties and structures within the municipal boundaries of the Village. In addition to reducing the threat of wildfire, conversion to underground electrical service will improve the quality and consistency of electrical service for the community through the greater service capacity provided by underground electric service. Finally, the removal of overhead lines and support structures will improve the aesthetic and scenic quality of the Village.

SECTION 1-4. PLANNING

Pursuant to the terms of a Franchise Agreement, the Village will coordinate with the local electric service provider, presently Kit Carson Electric Cooperative, to install a network of underground electrical service lines within the Village's public rights of way. The service provider will install electrical transformers throughout the Village and will place a meter at the boundary of each property. Once metered underground electrical service is installed and operational at a property, it shall be the duty and obligation of the owner to connect the property, including all structures served by electricity, to the underground service meter and to remove all existing private overhead lines and support structures on private property within the period of time set forth in Section 2-3 of this Ordinance. The Village will coordinate with the service provider to disconnect and remove overhead service from all public rights of way and from all public areas throughout the municipal boundaries.

SECTION 2. UNDERGROUND CONNECTION.

SECTION 2-1. MANDATORY CONNECTION.

A. Existing Overhead Service. Each and every owner of property served by overhead electrical service lines shall convert to underground electrical service within forty-five days that such service becomes available. For purposes of this Ordinance, the placement of an operational electrical meter by the local service provider for service at a particular property shall determine that electrical service is available to serve a property.

B. New Service. Owners of property not presently served by electricity shall be required to install and use only underground electrical service lines for any new electrical service to a property, so long as metered electrical service is available.

C. New Construction. New construction shall be required to install only underground electrical service lines for any new electrical service to a property, so long as metered electrical service is available.

SECTION 2-2. COST.

The Village, in coordination with the local electrical service provider, will bear the cost of installing transformers and meters for service to each property. Each property owner shall bear the cost of and be responsible for the installation of underground electrical service from the meter to each structure served by electricity on the property.

SECTION 2-3. TIME LIMIT FOR COMPLETION OF CONNECTION.

Each and every owner of property served by overhead electrical lines shall undertake and complete the conversion to underground electrical service within forty-five days that underground service becomes available as defined by Section 2-1 above. A property owner may petition for an extension of time to complete the conversion from overhead service to underground service upon presentation to the Village code enforcement officer of extenuating circumstances, such as adverse weather, reasonably affecting the timely conversion to underground service. A property owner aggrieved by the denial or inadequacy of an extension by the Village code enforcement officer may appeal to the Village Planning and Zoning Committee. If an owner remains aggrieved, the owner may then appeal to the Village Council.

SECTION 3. PROHIBITED ACTS

SECTION 3-1. OVERHEAD ELECTRICAL SERVICE LINES PROHIBITED.

A. Removal Of Existing Overhead Lines. All overhead electrical lines and support structures shall be permanently removed from a property within forty-five days that underground electrical service becomes available to the property as set forth in Section 2-1.A above.

B. New Construction And New Service. Overhead electrical service lines and support structures for new construction and new electrical service are prohibited.

SECTION 4. PENALTIES AND REMEDIES

SECTION 4.1 PENALTIES, CONTINUING VIOLATIONS, AND REMEDIES

Any person violating any of the provisions of this ordinance or failing to comply with any order made hereunder, or failing to comply with an order as affirmed by the governing body or by a court of competent jurisdiction within the time defined herein, shall be penalized as follows:

A. First by a written warning.

B. Subsequently by a fine not to exceed \$100.00 if the violation continues or is not remedied within ten days after issuance of the written warning. The imposition of a penalty for any violation shall not excuse the violation or permit the violation to continue.

SECTION 4.2 ADDITIONAL ENFORCEMENT REMEDIES

In addition to the penalties stated in Section 4.1 above, the Village retains the right to enforce and compel compliance with this Ordinance by:

A. Disconnection of overhead electrical service upon reasonable notice to the owner;

B. Charging an owner with all costs, including but not limited to actual costs, administrative costs, and legal fees, incurred by the Village to undertake, in the interest of public safety, the conversion of a property to underground service and the removal of overhead lines and structures;

C. Filing a lien against the property in the amount of the costs incurred by the Village pursuant to Section 4.2.B above;

D. All other remedies available under the law.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall be in full force and effect five days after its adoption, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED this 8th day of July 2014

The Village of Taos Ski Valley, New Mexico

By: Neal King
Mayor Neal King

ATTEST:

Vanessa N. Chisholm
Vanessa N. Chisholm, Village Clerk-Treasurer

Vote: For 4 Against 0

