

TOWN OF BRANDON
UTILITY LINE ORDINANCE

The Board of Selectmen adopted the Utility Line Ordinance at their duly warned meeting July 11, 2005. The purpose of the ordinance is to regulate the placement of utility lines within the public rights of way within the Town of Brandon. The ordinance has been posted in on all Town bulletin boards and the First Brandon Bank and U.S. Post Office.

The list of section headings is as follows:

- Section 1. Short Title
- Section 2. Purpose
- Section 3. Authority
- Section 4. Definitions
- Section 5. Utility Line Installation Requirements
- Section 6. Enforcement and Penalties
- Section 7. Severability

A copy of the full text of the ordinance is available at the Brandon Town Offices. Questions on the ordinance may be directed to the Municipal Offices at 247-3635. This ordinance was adopted on July 11, 2005 and will become effective in sixty days on September 9, 2005, unless a petition signed by at least 5 % of the voters of Brandon is filed with the town clerk by August 25, 2005, asking for a vote to disapprove the ordinance. If a petition is received, the Board of Selectmen will warn a special meeting and the voters may vote on the question.

Dated Posted: **July 15, 2005**

Posted in the following locations:

Town Office Bulletin Board
First Brandon Bank
U.S. Post Office
Brandon Library
Forest Dale Community Bulletin Board

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Section 1: SHORT TITLE

This ordinance shall hereafter be known and cited as the "Town of Brandon Utility Line Ordinance."

Section 2: PURPOSE

It is the purpose of this Ordinance to regulate the placement of utility lines within public rights of way and public property in order to promote the public health, safety and welfare as follows:

- a. To improve visual quality along the Central Business District and diminish visual blight and clutter created by above ground utility lines;
- b. To bring about the removal of utility poles which present visual or physical inconvenience to the motoring or pedestrian public and pose possible safety hazards due to their location near sidewalks or intersections;
- c. To implement the objectives of Brandon Workbook (2002) with regard to the burial of utility lines where feasible to advance the community's goals for enhancement of visual and historic resources.

Section 3: AUTHORITY

This ordinance is adopted pursuant to the authority set forth in 24 V.S.A., Section 2291 (6). This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Section 1974a. This ordinance shall be interpreted and applied in accordance with Chapter 16 of Title 19 of the Vermont Statutes Annotated: "Utility Relocations in Connection with Certain Highway Projects," including but not limited to the requirement in 19 V.S.A. Section 1605 (a) that options other than placing utilities underground be considered.

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Section 4: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- a. "TOWN" shall mean the Town of Brandon.
- b. "INSTALLED UNDERGROUND" shall mean the placement of utility lines, (including individual service lines, transmission lines and distribution lines) below the finished grade and the removal (if appropriate) of all poles, guy wires and related structures used to support overhead utility services. "Utility Apparatus: as defined in this ordinance may be mounted on pads at ground level within the right of way, if such will not interfere with the convenience of the public.
- c. "MAJOR ROADWAY RECONSTRUCTION" shall mean a project where an entire width of road surface and subsurface of more than five hundred (500) feet in length is to be opened or newly laid, but shall not include mere re-paving projects.
- d. "OVERHEAD UTILITY SERVICE" shall mean utility lines, typically for electrical, telephone and cable service, or for traffic signals, above ground, supported by utility poles and related structures.
- e. "PERSON" shall mean any individual, firm, company, association, society, corporation or group, and any municipal, state or federal government entity.
- f. "PUBLIC IMPROVEMENT PROJECT" shall mean any project undertaken for the benefit of the general public, such as but not limited to, road or bridge construction or the development of a park.
- g. "UTILITY LINES" shall include any wire, cable, conduit or other material for the transmission or distribution of electrical, telecommunications, audio/visual or other signals, impulses or energy.
- h. "UTILITY APPARATUS" shall include equipment used in connection with a utility service such as transformers, switches, amplifiers, and other similar equipment. "Utility Apparatus" shall not include utility lines or poles or related structures to be used to support lines of apparatus above ground.

Section 5: UTILITY LINE INSTALLATION REQUIREMENTS

- a. All utility lines located within the boundaries of a major roadway reconstruction or public improvement project undertaken in areas of

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Brandon described in Section 5b. below, shall be installed in a location other than between the road and the front of buildings facing a road.

- b. Areas of the Town affected by this Utility Line Ordinance include the Downtown Central Business District immediately adjacent to US Route 7 from the intersection of VT 73 East (Town Highway 3), north to the Neshobe River Crossing (49 Center Street) and the intersection of Conant Square and West Seminary Street, including Central Park.
- c. On all streets intersecting the Area delineated in Section 5 b. above (Town Highway 1 Franklin Street, Town Highway 3 Park Street / VT 73 East, Town Highway 42 Carver Street, Town Highway 5 Union Street) with overhead utility service, the first pole supporting such overhead utility service shall be placed at least one hundred (100) feet from the intersection.
- d. Street lighting, if proposed for any project regulated under this Ordinance, shall be installed to meet minimum IES (Illuminating Engineering Society of North America) standards and shall be served by underground electrical service.

Section 6: ENFORCEMENT AND PENALTIES

- a. Any person found to be in violation of any provision of this ordinance shall be subject to a civil penalty up to \$500.00 per day for each day that such violation continues. The Administrative Officer, Assistant Administrative Officer, Director of Public Works or any Law Enforcement Officer of the Town of Brandon shall be authorized to act as Issuing Municipal Officials to issue and pursue a municipal complaint before the Judicial Bureau.
- b. In addition to the enforcement procedures available before the Judicial Bureau, the Town Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

Section 7: SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of the ordinance.

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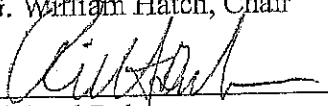
This Ordinance shall become effective 60 days after its adoption by the Town of Brandon Selectboard. If a petition is filed under 24 V.S.A. Section 1973, that statute shall govern the taking effect of this ordinance.

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Date: July 11, 2005



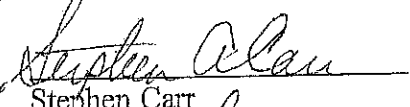
G. William Hatch, Chair



Richard Baker



Bruce Brown



Stephen Carr



Kellie Patten

Adoption History

1. Agenda item at regular Selectboard Meeting held on July 11, 2005.
2. Read and approved at regular Selectboard Meeting on July 11, 2005 and entered into the minutes of that meeting, which were approved on _____.
3. Posted in public places on July 15, 2005.
4. Notice of adoption published in the Brandon newspaper of record on _____ with a notice of right to petition.
5. Other actions:

