

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING CHAPTER 78 "UTILITIES", ARTICLE I "IN GENERAL" SECTION 78-1 "UTILITY EASEMENT" AND ARTICLE VI "UNDERGROUND UTILITIES" SECTIONS 78-280 THROUGH 78-282 OF THE CODE OF ORDINANCES, BY REQUIRING ATTACHING ENTITIES TO UNDERGROUND AND REMOVE CO-LOCATED FACILITIES, REQUIRING POLE-OWNERS TO REMOVE REDUNDANT UTILITY POLES, PROVIDING FOR PROCEDURES RELATED TO MAJOR HARDENING PROJECTS, AND REQUIRING PROPERTY OWNERS TO COOPERATE AND COMPLY WITH ACCESS TO UTILITY EASEMENTS, ACCESS TO PROPERTY, AND LOCATION OF FACILITIES, PROVIDING FOR SEVERABILITY CLAUSE, REPEALER PROVISION, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission recently adopted Resolution No. 2022-197, accepting Florida Power and Light's ("FPL") plan to place overhead utilities underground via the Storm Secure Underground Pilot Program (SSUPP); and

WHEREAS, under the SSUPP, FPL is seeking approval from the Florida Public Service Commission (FPSC) to convert all remaining above-ground neighborhood lines, poles ("lateral lines"), and individual residential and business service connections citywide from overhead to underground; and

WHEREAS, the SSUPP is currently approved by the FPSC for ten years and FPL plans to convert 40% of overhead lateral lines by year ten and the remaining 60% after year ten with the FPSC's approval; and

WHEREAS, FPL projects to complete hardening of above-ground main lines ("feeder lines") in the City within the next five years and currently estimates that approximately 15% of the total miles of existing overhead feeders could potentially be converted from overhead to underground; and

WHEREAS, in order to realize the full benefit of the SUPP, the City wishes to exercise its regulatory authority to promote the conversion of overhead utilities to underground, eliminate unused redundant poles, facilitate the removal of pole attachments from redundant poles, and encourage the coordination and cooperation of all affected parties; and

WHEREAS, the City seeks to provide a more reliable, safe, and best-in-class electrical utility and communication infrastructure that can serve City residents, businesses, visitors, and property owners;

WHEREAS, the conversion of electric utilities and other infrastructure from overhead to underground serves to improve the reliability and safety of electrical and other infrastructure, community aesthetics, and business and lifestyle continuity; and

WHEREAS, data indicates that underground electrical infrastructure is less susceptible to outages, is more resilient to major weather events, and provides a stronger distribution system in light of major climatic events expected to affect the City in the future; and

WHEREAS, the City has broad powers in the furtherance of the health, safety, and welfare of the City and a legitimate government interest in ensuring that residents, businesses, and visitors to the City enjoy a reliable electrical utility and communication system, that such system is resilient to major weather events, that such system promotes the safety of residents, businesses, and visitors by providing reliable electricity and communication to businesses, schools, hospitals and other critical infrastructure facilities, traffic control devices, banks, grocery stores, and other locations, as well as improve the aesthetics of the City; and

WHEREAS, the success of the conversion of utility and other infrastructure from overhead to underground is also dependent upon the cooperation of property owners whose properties must provide access and easements related to new or existing utility infrastructure, as well as the location of above-ground transformers, switch stations, and other equipment as required by the electric company serving the City and by communications providers with facilities serving the City; and

WHEREAS, the City has the authority to ensure property owners providing easements maintain them and keep their property free from nuisances and in a reasonably safe condition; and

WHEREAS, in the case of utility easements and the placement of electrical and communication infrastructure, ensuring property owner cooperation and compliance is clearly related to the legitimate public interest of protecting the public's health, safety, and welfare, and is a reasonable use of the City's broad police powers; and

WHEREAS, this ordinance is consistent with Florida Statute Section 366.97 which creates a process for handling redundant utility poles and abandoned pole attachments;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 78 "Utilities" of the Code of Ordinances is hereby amended per the attached Exhibit 1.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective _____, 2022.

PASSED AND ADOPTED THIS ___DAY OF _____.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY