



VILLAGE OF CORRALES

ORDINANCE NO. 17-012

**AN ORDINANCE RELATING TO ZONING AND PLANNING;
REQUIRING THAT NEW COMMUNICATIONS AND ELECTRICAL
DISTRIBUTION LINES BE PLACED UNDERGROUND; PROVIDING
EXCEPTIONS FOR AREAS SERVED BY EXISTING OVERHEAD
LINES AND UNDER CERTAIN OTHER CIRCUMSTANCES.**

WHEREAS, the preservation of the natural environment and of an uncluttered rural atmosphere are important objectives of the Village of Corrales (the "Village"), as reflected in the Village's most recent Comprehensive Land Use Plan; and

WHEREAS, under the Village's Code of Ordinances (the "Village Code") Section 18-81, all utilities in newly approved subdivisions, including communications lines and electrical distribution lines, are required to be placed underground to enhance the uncluttered and rural atmosphere in the newly subdivided areas; and

WHEREAS, earlier developed areas of the Village, including the entire length of Corrales Road, the Corrales Road Commercial Area, and subdivisions created prior to the adoption of the Village's subdivision code generally have overhead electrical distribution and communications lines; and

WHEREAS, the Village Council, the governing body of the Village ("Governing Body"), finds that newly installed communications and electrical distribution lines should be placed underground to the greatest extent reasonably practicable; and

WHEREAS, the Governing Body further finds that existing overhead communications and electrical distribution lines should continue in use and need not be converted to underground lines unless it becomes necessary that they be replaced by new lines because they have exceeded their useful life or due to other conditions.

NOW, THEREFORE, BE IT ORDAINED by the Village Council, the governing body of the Village of Corrales, that:

The following Subsection 18-30(n) of the Village Code is hereby adopted:

- (n) *Communications and electrical distribution lines.*
- (1) New communications lines, single phase electrical distribution lines, and three phase electrical distribution lines carrying no more than 40 kilovolts (kV) shall be installed underground in all areas of the Village, except as otherwise specifically provided in this chapter.
 - (2) This subsection shall not be construed to require the replacement of overhead communications and electrical distribution lines in existence prior to September 30, 2017. Owners and operators

of such overhead communications and electrical distribution lines may repair or replace components of and accessories to the lines, including but not limited to poles, wires or cables, transformers, and similar equipment, without any requirement that such components be placed underground. If owners or operators propose to replace all of an existing overhead communications or electrical distribution line or lines, including the poles or other structures on which they are located, over a line distance greater than one-half (1/2) mile, the owner or operator shall notify the Village so that the governing body may make a determination whether such installation will be required to be relocated underground.

- (3) Communications or electrical service connections to an individual building or lot may be located overhead if there are existing overhead communications or electrical distribution lines extending within the lot or to a boundary of the lot, provided the lot is not within a subdivision subject to the underground utility requirements of Section 18-81.
- (4) The governing body by resolution may permit the construction or installation of a new overhead communications or electrical distribution line, notwithstanding the provisions of paragraph (1) of this subsection, if the governing body finds that no significant public purpose would be served by requiring the new construction to be placed underground and:
 - a. The location is within an area already served entirely by overhead lines; or
 - b. Subsurface or other conditions make an underground line economically unreasonable; or
 - c. Installation of the underground line would require customers to convert their service connections from overhead to underground service, and the cost of such conversion would be economically unreasonable.

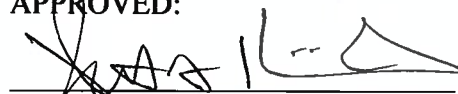
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

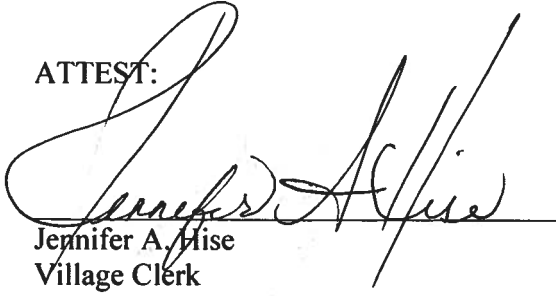
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 24th day of October, 2017.

APPROVED:



The Honorable Scott Kominiak
Mayor

ATTEST:



Jennifer A. Hise
Village Clerk