

ORDINANCE NO. 24-008

AN ORDINANCE OF THE TOWN OF KINGSTON SPRINGS, TENNESSEE RELATING TO THE INSTALLATION OF UNDERGROUND AND OVERHEAD SERVICE LINES IN THE CITY CENTER, AND AMENDING TITLE 19, CHAPTER 1, ELECTRICITY AND GAS OF THE KINGSTON SPRINGS, TN MUNICIPAL CODE, BY ADDING CHAPTER 2, ELECTRICITY AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the Town of Kingston Springs is a municipal corporation organized under the laws of the State of Tennessee; and

WHEREAS, on January 23, 2023, the City Commission passed Resolution 23-001 adopting the Cheatham County Joint Growth Plan including the provision of adequate infrastructure,

WHEREAS, the Town of Kingston continues to experience redevelopment projects and new growth, the Town of Kingston Springs recognizes the need for redevelopment and new Growth to implement the Kingston Springs Growth Plan; and

WHEREAS, on August 8, 2024, the Kingston Springs Regional Planning Commission, during its regularly scheduled Meeting considered the public comments on the proposed Ordinance to adopt the revisions to the Kingston Springs Municipal Code stated in this Ordinance, and all persons wishing to be heard were heard; and

WHEREAS, following the public comments during the Meeting, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the City Commission adopt the provisions of this Ordinance; and

WHEREAS, on September 19, 2024, the City Commission held a public hearing on the revisions to the Kingston Springs Municipal Code stated in this Ordinance, and all person wishing to be heard were heard; and

WHEREAS, the City Commission after due consideration finds that the provisions of the Ordinance are consistent with and implement the goals of the Kingston Springs Growth Plan, are consistent with applicable state law, and are to the best interest of the public health, safety and general welfare; and

WHEREAS, the City Commission finds that there are sufficient reasons to take action to ensure that development requirements are a development tool to provide adequate standards to meet electricity demands while providing public benefits.

THE CITY COMMISSION OF THE TOWN OF KINGSTON SPRINGS DOES ORDAIN
AS FOLLOWS:

Section 1: Findings. Upon consideration of the provisions of this Ordinance, the City Commission finds that the new code and amendments contained herein are:

a) Consistent with the growth plan; and b) substantially related to the public health, safety, or welfare; and c) not contrary to the best interest of the citizens and property owners of the Town of Kingston Springs.

Section 2: Purpose. The purpose of this ordinance is to require new installation and redevelopment projects to install underground within the Town of Kingston Springs to facilitate implementation of the Growth Plan.

Section 3: Kingston Springs Municipal Code Title 19, is amended to read as follows:

Chapter 2, Electrical Services

19-201 Purpose and Scope.

Overhead wires carrying electrical energy, including but not limited to telephone, cable television and electrical service lines, are located in several urban areas, including but not limited to the streets of the Downtown C-1, General Commercial District, Downtown 5.300 Mixed Use District, West Kingston Springs Rd. to Luyben Hills Rd., C-2 Highway Service District, Luyben Hills Rd. from W/E Kingston Springs Rd. to Interstate 40, Petro Rd. to Luyben Hills Rd., and E. Kingston Springs Rd. from the City Limits to Luyben Hills Rd. Public necessity, convenience, safety and general welfare require that when existing overhead lines are modified or reinstalled, the same be relocated underground in accordance with the requirements of this chapter, and that all new electric wires serving subdivisions and commercial development be installed underground within the city limits and the Urban Growth Boundary.

19-202. Definitions.

The following terms shall have the following meanings in this chapter:

“C-2 Highway Service District” means the area as established and described in the attached Zoning Map.

“City Commission” means the Town of Kingston Springs City Commission.

“Development” means subdivisions, planned unit developments, approved site plans, master plan, and project design review approvals; or use and mitigation of real property pursuant to a development agreement authorized by the Kingston Springs, TN Zoning Ordinance.

“Overhead wires” means service lines placed above the ground commonly but not necessarily, hung on poles.

“Planning Commission” means the Kingston Springs Regional Planning Commission and staff

appointed to the Planning Commission.

“Urban Growth Boundary” means the area established Cheatham County Joint Growth Plan Urban Growth Boundary Parcel list and Map.

“Service lines” means lines used for, including but not limited to, electrical distribution, telephone, cable television, high speed internet, and fiber optic.

19-203 Undergrounding Requirements.

For the areas enumerated in Section 19-201 and 19-202:

- A. All new service lines shall be placed underground.
- B. Upon redevelopment of real property, all service lines shall be relocated underground.
- C. In conjunction with a street-widening project requiring reinstallation of Service Wires, all existing overhead wires shall be relocated underground.
- D. Existing transmission lines are exempt from these requirements.

19-204 Exemptions.

- A. Pad-mounted transformers switch cabinets, sector boxes, communication support boxes, terminal boxes, meter cabinets, and concealed ducts may be situated above ground if they are used solely to provide service within the development and are used solely with underground distribution lines.
- B. For all undergrounding of service lines pursuant to 19-203, the developer and/or Town, to the extent authorized by state statute and regulations, and/or the owners of the real property abutting the right-of-way, shall be responsible for the cost and expense of placing such service lines underground, as agreed to between said responsible parties. The placement of overhead wires underground shall include but not be limited to the installation of service lines, the removal of poles and the restoring of any street or sidewalk surface.

19-205 Delay of installation.

- A. The City Commission may authorize a delay in the placement of service lines underground where such placement, in the opinion of the City Commission, upon recommendation of the Planning Commission, could be accomplished more efficiently and cost effectively in conjunction with development of contiguous real property. In such event, the persons responsible for the cost and expense of such placement shall enter into an agreement with the city regarding the delay in performance.

19-206 Design standard – As-built plans; Maintenance

- A. All underground service lines shall be installed in accordance with applicable federal,

state and city standards, and pursuant to a schedule approved by the City Commission and Planning Commission.

- B. When codes allow, project drawings for all pole replacement or movement, and service capacity shall be submitted to the City Planner, City Engineer and Regional Planning Commission for review and approval, said approval shall be forwarded to the City Commission.
- C. When codes allow, as-built project drawings in a form and scale approved by the Planning Commission shall be submitted in duplicate to the City Planner, City Engineer and Planning Commission within 30 days of the completion of the underground project.
- D. Following installation, the person who placed the service lines underground shall be responsible for maintaining and replacing such wires in accordance with this code or applicable federal, state and city laws and regulations.

19-207 Permits

- A. The installation, removal or replacement of service lines underground shall require a permit pursuant to Title 12, Chapter 1 of the Kingston Springs Municipal Code. The cost of permitting shall be the responsibility of the contractor, developer, or resident.
- B. Except for street-widening projects in which the city is a participant, the property owner and the service wire owner shall be responsible for obtaining any applicable federal and state permits, and any additional city permits, for the installation, maintenance, removal or replacement of service lines underground.

19-208 Notification Required for Line Maintenance, Pole Relocation, and Vegetation Clearing

- A. The service provider working within the boundaries of the Town shall notify the Town of Kingston Springs City Manager five (5) days before scheduled work in the Town for the purpose of notification to property owners of the scheduled activity.
- B. The service provider working within the boundaries of the Town shall notify the Town of Kingston Springs City Manager five (5) days before scheduled work to clear trees or vegetation from private properties, Rights-of-Way, or municipal property for the purpose of notification to property owners of the scheduled activity.
- C. The service provider will abide by the requirements of Tenn. Code Ann. § 39-14-405 (2014) and all requirements of customer notification published on its Website, Tree Trimming Page. A formal complaint may be filed with the regulatory agency of the utility by the customer.

Section 4. Effective Date: This ordinance or an approved summary thereof consisting of its title shall be published in the City's official newspaper of record and shall take effect and be in full force fifteen days following its adoption on second reading of the City Commission.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

Passed on 1st Reading this 15th day of August, 2024.

Passed on 2nd Reading this 17th day of October, 2024.



Francis A. Gross, III, Mayor

ATTEST:

APPROVED AS TO FORM:


Jamie Dupré, City Recorder
City Attorney Timothy V. Potter