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Resolution No. 19-00_

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF
PUBLIC WORKS OF THE CITY OF LEWES ESTABLISHING A POLICY
REGARDING INSTALLATION OF UNDERGROUND ELECTRIC LINES**

WHEREAS, Section 4.10, *inter alia*, of the Charter for the Board of Public Works of the City of Lewes (the “Lewes BPW”), being Chapter 10, Volume 77, Laws of Delaware, as amended (the “Lewes BPW Charter”), grants the Lewes BPW authority to enact and adopt such rules and regulations as the Lewes BPW deems proper in order to supply utilities and regulate the connection and access of public utility services within the Lewes BPW’s service area, as defined by the Lewes BPW Charter (the “Service Area”); and

WHEREAS, Section 1 of the Lewes BPW Charter defines the Service Area as “the corporate limits of the City of Lewes, the territory beyond such limits authorized in [the Lewes BPW Charter], and any franchised service area”; and

WHEREAS, Section 4.20 of the Lewes BPW Charter more specifically authorizes the Lewes BPW to supply utility services to properties located within two (2) miles of the corporate limits of the City of Lewes; and

WHEREAS, Section 4.20 of the Lewes BPW Charter further expressly vests authority with the Lewes BPW to “enact and adopt such rules and regulations as the [Lewes BPW] may deem proper in order to supply said utility services”; and

WHEREAS, the Lewes BPW does not currently require new or relocated electric lines to be placed underground; and

WHEREAS, Title 26, Section 901 of the Delaware Code requires underground installation of all electric lines that furnish electric service to multi-occupancy buildings or to new residential buildings in a subdivision of five (5) or more lots; and

WHEREAS, the Board of Directors of the Lewes BPW (the “Board of Directors”) recognizes that overhead electric utility lines detract from the natural beauty of the City of Lewes and the surrounding area; and

WHEREAS, the Board of Directors desires to preserve the natural beauty of the City of Lewes and the surrounding area; and

WHEREAS, the Board of Directors recognizes that, as compared to overhead electric lines, underground electric lines are safer and less susceptible to damage caused by natural disasters or storms that may result in extended power outages; and

WHEREAS, to further these goals, provide a more reliable electric transmission network, and protect the public’s health and safety, the Board of Directors concludes that the

46 Lewes BPW should establish a policy requiring all new and relocated electric lines to be placed
47 underground; and
48

49 **WHEREAS**, the Board of Directors deems it is in the best interests of the Lewes BPW
50 utility system and customers, both current and future, to require underground placement of all
51 newly constructed electric lines and of existing electric lines that are reinstalled or relocated due
52 to modifications to existing structures.
53

54 **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF**
55 **THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS ____ DAY OF**
56 **_____, 2019, THAT:**
57

58 **Section 1.** Unless otherwise expressly authorized by the Lewes Board of Public
59 Works, all new electric transmission lines installed within the Lewes Board of Public Works
60 service area shall be placed underground. Appurtenances and associated equipment such as, but
61 not limited to, surface-mounted terminal boxes and meter cabinets, and terminations for
62 concealed ducts in an underground system, may be placed above ground.
63

64 **Section 2.** All existing overhead poles, wires, and/or electric transmission lines may
65 remain within the Lewes Board of Public Works service area, provided however, that when
66 existing electric transmission lines must be relocated or extended, unless otherwise expressly
67 authorized by the Lewes Board of Public Works, such electric transmission lines must be placed
68 underground. Replacement of existing overhead poles, wires, and/or electric transmission lines is
69 permitted when it is necessary to maintain the poles, wires, and/or electric transmission lines.
70

71 **Section 3.** Use of overhead poles, wires, and/or electric transmission lines shall be
72 permitted if the Lewes Board of Public Works finds that topographical, soil, or other identifiable
73 conditions, physical or economic, make such underground installations unreasonable or
74 impractical.
75

76 **Section 4.** This Resolution shall take effect immediately upon its adoption by the
77 Board of Directors of the Lewes Board of Public Works.
78

79 Adopted by the Board of Directors
80 Of the Lewes Board of Public Works
81

82 _____
83

84 I, Robert J. Kennedy, III, Secretary of the Board of Public Works of the City of Lewes,
85 do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the
86 Board of Directors of the Lewes BPW at its meeting on _____, at which
87 meeting a quorum was present and voting throughout and the same is still in full force and effect.
88
89

90 _____
91 Secretary